POSTMASTER.

DISTRICT OF COLUMBIA.

Benjamin F. Barnes to be postmaster at Washington, in the District of Columbia.

POSTMASTER AT WASHINGTON, D. C.

The injunction of secrecy was removed June 23, 1906, from the nomination of Benjamin F. Barnes to be postmaster at Washington, D. C. The vote this day on his confirmation resulted—yeas 36, nays 16, as follows:

YEAS—36.

Allee	Clark, Wyo.	Hansbrough	Nelson
Benson	Cullom	Hemenway	Penrose
Brandegee	Dick	Heyburn	Piles
Bulkeley	Dillingham	Hopkins	Smoot
Burkett	Dolliver	Kean	Spooner
Burnham	Elkins	Kittredge	Sutherland
Burrows	Flint	Lodge	Warner
Carter	Foraker	McCumber	Warren
Clapp	Gamble	Millard	Wetmore

NAYS—16.

Bailey	Clay	Latimer	Martin
Berry	Daniel	McCreary	Patterson
Blackburn	Frazier	McLaurin	Stone
Carmack	Gallinger	Mallory	Tillman

NOT VOTING—37.

Aldrich	Depew	Long	Proctor
Alger	Dryden	McEnery	Rayner
Allison	Dubois	Money	Scott
Ankeny	Foster	Morgan	Simmons
Bacon	Frye	Newlands	Taliaferro
Beveridge	Fulton	Nixon	Teller
Clark, Mont.	Gearin	Overman	Whyte
Clarke, Ark.	Hale	Perkins	
Crane	Knox	Pettus	
Culberson	La Follette	Platt	

EXTRADITION WITH JAPAN.

The injunction of secrecy was removed June 23, 1906, from a supplementary extradition convention between the United States and Japan, signed at Tokyo on May 17, 1906.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June 23, 1906.*

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

DEPUTY COLLECTORS OF CUSTOMS.

Mr. HILL of Connecticut. Mr. Speaker, I call up a privileged bill, H. R. 19749, to prescribe the duties of deputy collectors of customs.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to appoint a deputy collector of customs and other customs officers at ports and subports of entry in the several customs collection districts, and deputy collectors thus appointed shall have authority to receive entries, collect duties, and to perform any and all functions prescribed by law for collectors of customs, subject to such regulations and restrictions as the Secretary of the Treasury shall prescribe: *Provided*, That whenever the Secretary of the Treasury shall appoint a deputy collector at a port of entry where there is no collector, he shall designate the collector through whom such deputy shall report, but the bond of such deputy shall run to the Government and the deputy shall be financially responsible directly to the Government.

Mr. HILL of Connecticut. Mr. Speaker, this is the unanimous report of the Ways and Means Committee. The bill was drawn by the Treasury Department. As I understand it, there will be no opposition on the part of anybody. The purpose of the bill is to give the deputy collectors at subports of entry all the privileges of a collector at ports of entry in order to save the captains of vessels from being obliged to go from the subports to the ports of entry.

Mr. WILLIAMS. This is not the administrative customs bill?

Mr. HILL of Connecticut. Oh, no; this is a bill with which the gentleman is perfectly familiar.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

CONTESTED ELECTION CASE—COUDREY V. WOOD.

Mr. OLMSTED. Mr. Speaker, by direction of the Elections Committee No. 2, I present the following report and resolution:

The Clerk read as follows:

Resolved, That Ernest E. Wood was not elected to membership in the House of Representatives of the United States in the Fifty-ninth Congress, and is not entitled to a seat therein.

Resolved, That Harry M. Coudrey was elected to membership in the House of Representatives of the United States in the Fifty-ninth Congress, and is entitled to a seat therein.

Mr. OLMSTED. Mr. Speaker, I think there is no opposition to the resolution.

Mr. TALBOTT. There is no minority report, and under the conditions there was nothing else for the committee to do.

The resolutions were agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bills of the following titles:

H. R. 18198. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1907, and for other purposes; and

H. R. 15333. An act for the division of the lands and funds of the Osage Indians in the Oklahoma Territory, and for other purposes.

The message also announced that the Senate had passed with amendments the bill (H. R. 19844) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 19680. An act directing the Secretary of War to cause an examination and survey to be made of Coney Island channel.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 4953. An act for the purpose of acquiring national forest reserves in the Appalachian Mountains and White Mountains, to be known as the Appalachian Forest Reserve and the White Mountain Forest Reserve, respectively.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 4953. An act for the purpose of acquiring national forest reserves in Appalachian Mountains and White Mountains, to be known as the Appalachian Forest Reserve and the White Mountain Forest Reserve, respectively—to the Committee on Agriculture.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 1326. An act granting an increase of pension to Ora P. Howland;

H. R. 14171. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

H. R. 18529. An act to authorize the sale of certain lands to the city of Mena, in the county of Polk, in the State of Arkansas;

H. R. 20321. An act to provide for the traveling expenses of the President of the United States; and

H. R. 16953. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1907, and for other purposes.

CONTESTED ELECTION CASE, HOUSTON V. BROOCKS.

Mr. DRISCOLL. Mr. Speaker, by direction of the Committee on Elections No. 3 I submit the following privileged resolution, which I send to the desk and ask to have read:

The Clerk read as follows:

Resolved, That A. J. Houston was not elected a Member of the Fifty-ninth Congress from the Second Congressional district of Texas, and is not entitled to a seat therein.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and the resolution was agreed to.

Mr. DRISCOLL. Mr. Speaker, I ask unanimous consent that the views of Mr. BANNON, a member of the committee be printed with the report.

The SPEAKER. The gentleman from New York asks unanimous consent that the views of Mr. BANNON, a member of the committee, be printed with the report. Is there objection?

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GILLETT of Massachusetts. Mr. Speaker, I call up the conference report upon the District of Columbia appropriation bill, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Massachusetts calls up the conference report on the District of Columbia appropria-

tion bill, and asks unanimous consent that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18198) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1907, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 12, 13, 14, 15, 26, 39, 40, 43, 44, 45, 46, 53, 60, 61, 62, 63, 69, 71, 72, 74, 79, 81, 85, 91, 92, 93, 96, 97, 99, 100, 103, 104, 117, 119, 122, 123, 125, 127, 128, 129, 148, 150, 157, 159, 163, 168, 170, 172, 178, 188, 193, 196, 199, 200, 202, 208, 209, 211, 212, 213, 216, 237, 240, 245, 246, 248, 250, 258, and 261.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 4, 5, 7, 8, 10, 16, 17, 18, 19, 21, 22, 27, 28, 30, 31, 32, 33, 34, 35, 36, 37, 41, 47, 49, 54, 55, 56, 57, 58, 59, 64, 65, 66, 67, 68, 70, 73, 75, 78, 80, 83, 84, 87, 89, 94, 95, 98, 101, 102, 108, 109, 111, 113, 114, 116, 120, 124, 126, 130, 131, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 151, 152, 154, 155, 156, 160, 161, 162, 165, 171, 174, 176, 177, 179, 180, 181, 182, 183, 184, 186, 187, 190, 197½, 201, 204, 205, 206, 207, 210, 215, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 230, 231, 232, 236, 241, 242, 249, 252, 253, 254, 255, 256, 257, 260, 262, 263, 264, 265, 266, 267, 268, and 269, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "ninety-eight thousand three hundred and fifty-nine dollars;" and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: At the end of said amendment, after the word "five," insert "and the Commissioners of the District of Columbia are hereby authorized to refund any excess taxes paid on such returns by reason of such penalty;" and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the number proposed insert "three;" and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "fifteen thousand eight hundred dollars;" and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the number proposed insert "four;" and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and seventy-eight thousand six hundred and eighty-seven dollars;" and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendemnt of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one thousand dollars;" and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "forty-five thousand and twenty dollars;" and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: Omit from the matter inserted by said amendment the words "chief of circulating department, one thousand dollars;" and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty-eight thousand and sixty dollars;" and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "by the Commissioners for any other purpose than to visit such points within the District of Columbia as it may be necessary to visit in order to enable them to inspect or inform themselves concerning any public work or property belonging to the said District or to do any other act necessary to the administration of its affairs;" and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two thousand seven hundred and fifty dollars;" and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For the of erection of suitable tablets to mark historical places in the District of Columbia, to be expended under the direction of the Joint Committee on the Library, five hundred dollars;" and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In line 2 of said amendment, after the word "where," insert the words ", on account of the character of the work,;" and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Girard street, between Twelfth street and Brentwood road, northeast, grade, four thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: Insert after said amendment, as a paragraph, the following:

"Massachusetts avenue, from S street to Belmont road, grade and improve, five thousand nine hundred dollars."

And the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and twenty-three thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: Add after said amendment as separate paragraphs the following:

"For purchase or condemnation of an approach to the Anacostia end of the new Anacostia Bridge, and the grading and improving of such approach, and grading and improving the extension of Monroe street to the Eastern Branch of the Potomac River, and for constructing a suitable bridge to carry said extension of Monroe street over the tracks of the Baltimore and Ohio Railroad, all in accordance with plans approved by the Commissioners of the District of Columbia, fifty-four thousand dollars, or so much thereof as may be necessary, and the said Commissioners are authorized to enter into a contract with the said railroad company or other parties for the construction of such bridge and approaches; and the Commissioners of the District of Columbia are hereby authorized and directed to acquire, by purchase or condemnation, the land necessary for the extension of Monroe street with a width of sixty feet from Harrison street northward to the Anacostia River and of the south approach to the new Anacostia Bridge, with a width of sixty feet, to connect with said extension of Monroe street by a curve passing over the tracks of the Alexandria branch of the Baltimore and Ohio Railroad and such condemnation proceedings as may be necessary for this purpose shall be conducted under the provisions of subchapter one of chapter fifteen of the Code of Law for the District of Columbia, and such sums as are necessary to pay the expense of said condemnation proceedings and to pay any damages or excess of damages over benefits that may be allowed to owners of land taken is hereby appropriated: *Provided*, That such portion of this cost shall be borne by the Baltimore and Ohio Railroad Company as is provided in section ten of an act entitled 'An act to provide

for a union railroad station in the District of Columbia, and for other purposes,' approved February twenty-eighth, nineteen hundred and three, and said sum shall be paid by the said company to the Treasurer of the United States, one half to the credit of the District of Columbia and the other half to the credit of the United States, and the same shall be a valid and subsisting lien against the franchises and property of the said Baltimore and Ohio Railroad Company, and shall be a legal indebtedness of said company in favor of the District of Columbia, jointly for its use and the use of the United States as aforesaid, and the said lien may be enforced in the name of the District of Columbia by bill in equity brought by the Commissioners of the said District in the supreme court of the said District, or by any other lawful proceeding, against the said Baltimore and Ohio Railroad Company: *And provided further*, That the Anacostia and Potomac River Railroad Company shall pay toward the balance of the cost of the construction of said approaches and bridge over the said tracks of the Baltimore and Ohio Railroad Company the sum of three thousand seven hundred and fifty dollars, to be collected in the same manner as the cost of laying pavements between the rails and tracks of street railways, as provided for in section five of 'An act providing a permanent form of government for the District of Columbia,' approved June eleventh, eighteen hundred and seventy-eight, and paid into the Treasury, one-half to the credit of the United States and one-half to the credit of the District of Columbia.

"And the Anacostia and Potomac River Railroad Company is hereby authorized and directed to construct and operate a double-track street railway along the said south approach and extension of Monroe street provided for herein, to intersect with its existing tracks at Monroe and Harrison streets, said line to be completed and equipped by September thirtieth, nineteen hundred and seven, and within thirty days thereafter the said Anacostia and Potomac River Railroad Company shall remove its rails from and restore the paving on the portion of its line hereby directed to be abandoned, to wit: Along Harrison or Bridge street, lying west of Monroe street and on the present Anacostia or Navy-Yard Bridge: *Provided*, That the said Anacostia and Potomac River Railroad Company shall, within sixty days after the completion of its new line herein specified, pave that portion of the approaches to the Anacostia Bridge now being constructed and Monroe street extended lying between lines two feet exterior to the outer rails of its track, said paving to be of such character as the Commissioners of the District of Columbia may determine: *And provided further*, That when in the judgment of said Commissioners they shall deem it safe and proper to construct over the newly filled approach to said bridge the necessary conduits and appurtenances to operate a street railway by the underground or conduit system they are hereby authorized and directed to notify said Anacostia and Potomac River Railroad Company to construct such necessary conduits and appurtenances over so much of its line as lies between the said new bridge and Franklin street, Anacostia, and upon failure or neglect of said railroad company to complete the work of installing such conduits and appurtenances within six months after the date of such notification said railroad company shall be subject to a fine of not less than twenty-five dollars for each and every day during which it fails or neglects to install such conduits and appurtenances, which fine shall be recovered in any court of competent jurisdiction at the suit of said Commissioners.

"And the Anacostia and Potomac River Railroad Company is hereby required to pay a final sum of fifteen thousand dollars toward the cost of construction and the use of the new Anacostia River bridge, in addition to any sum to be paid or expended by said Anacostia and Potomac River Railroad Company for approaches, and in addition to any sums required to be expended by said railroad under existing law for construction, maintenance, and repairs, and the said sum of fifteen thousand dollars is hereby declared a valid and subsisting lien against the franchises and property of said street railroad company, and shall be a legal indebtedness of said company in favor of the District of Columbia jointly for its use and the use of the United States. And the said sum when paid or collected shall be paid into the Treasury of the United States, one-half to the credit of the United States and one-half to the credit of the District of Columbia."

And the Senate agree to the same.

Amendment numbered 88: That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred thousand dollars;" and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two hundred and forty thousand dollars;" and the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two hundred and fifty thousand dollars;" and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "eighteen dollars;" and the Senate agree to the same.

Amendment numbered 107: That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty-five dollars;" and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "For officers: For superintendent of public schools, five thousand dollars; two assistant superintendents, at three thousand dollars each; secretary, two thousand dollars; clerk, one thousand four hundred dollars; two clerks, at one thousand dollars each; one messenger, seven hundred and twenty dollars; in all, seventeen thousand one hundred and twenty dollars; and members of the board of education shall serve without compensation;" and the Senate agree to the same.

Amendment numbered 112:

That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with the following:

In lieu of the matter stricken out by said amendment insert the following

"For teachers: For one thousand five hundred and seventy-seven teachers, to be assigned as follows:

"For director of intermediate instruction, two thousand six hundred dollars;

"For thirteen supervising principals, at two thousand two hundred dollars each;

"For supervisor of manual training, two thousand two hundred dollars;

"For principals of Central, Eastern, Western, Business, and M Street high schools, five in all, at two thousand dollars each;

"For principals of McKinley Manual Training School and Armstrong Manual Training School, two, at two thousand dollars each;

"For principals of Normal School Number One and Normal School Number Two, two, at two thousand dollars each;

"For principal of Jefferson School, one thousand nine hundred and twenty dollars;

"For twelve heads of departments in high schools, at one thousand nine hundred dollars each;

"For principal of Stevens School, one thousand eight hundred and ninety dollars;

"For principal of Franklin and Thomson schools, one, at one thousand eight hundred and thirty dollars;

"For director of primary instruction, one thousand eight hundred dollars;

"For principals of Force, Peabody, Dennison, and Lincoln schools, four in all, at one thousand seven hundred and ten dollars each;

"For principals of Wallach, and Van Buren and Annex schools, two in all, at one thousand six hundred and fifty dollars each;

"For principal of Abbot School, one thousand six hundred and twenty dollars;

"For two high school teachers, at one thousand six hundred dollars each;

"For principals of Seaton, Henry, Webster, Grant, and Gales schools, five in all, at one thousand five hundred and ninety dollars each;

"For directors of music, drawing, physical culture, domestic science, domestic art, and kindergarten instruction, six in all, at one thousand five hundred dollars each;

"For principals of Towers, Jackson, and Blake schools, three in all, at one thousand four hundred and seventy dollars each;

"For assistant director of primary instruction, and one manual training school teacher, two in all, at one thousand four hundred dollars each;

"For principals of Johnson and Annex, Brookland, Emery,

Garnet, Randall, and Birney and Annex, six in all, at one thousand three hundred and ninety dollars each;

"For principal of Mott school, one thousand three hundred and thirty dollars;

"For assistant directors of music, drawing, physical culture, domestic science, domestic art, and kindergarten instruction, principals of Berret, Curtis, Sumner, and Cook schools, five high school teachers, three manual training school teachers, and two normal school teachers, twenty in all, at one thousand three hundred dollars each;

"For principals of Adams, Morgan, Hubbard, Polk, Phelps, Morse, Twining, Hilton, Maury, Edmonds, Lenox, Brent, Smallwood, Bradley, Sayles J. Bowen, Addison, Fillmore, Corcoran, Weightman, Toner, Ludlow, Blair, Taylor, Madison, Webb, Wheatley, Pierce, Takoma, Tenley, Brightwood, Monroe, Congress Heights, Cranch, Buchanan, Carbery, Hayes, Eckington, Briggs, Montgomery, Banneker, Logan, Jones, Lovejoy, Wilson, Garrison, and Bell schools, forty-six in all, at one thousand two hundred and seventy dollars each;

"For principal of Bruce School, two high school teachers, and three manual training school teachers, six in all, at one thousand two hundred and thirty dollars each;

"For principal of Garfield School, one thousand two hundred and ten dollars;

"For one high school teacher, one thousand two hundred dollars;

"For principals of Ross, and Gage schools, two in all, at one thousand one hundred and ninety dollars each;

"For principals of Harrison, Dent, Arthur, Amidon, Wormley, Patterson, Langston, Slater, Giddings, and Ambush schools, ten in all, at one thousand one hundred and sixty dollars each;

"For principals of Reservoir, Benning, Hamilton, Woodburn, Stanton, Langdon, Chevy Chase, and Petworth schools, eight in all, at one thousand one hundred and fifty dollars each;

"For principals of Greenleaf, Tyler, Phillips, Magruder, Anthony Bowen, Syphax, and Cardozo schools, twenty-three high school teachers, five manual training school teachers, and six normal school teachers, forty-one in all, at one thousand one hundred dollars each;

"For principals of Industrial Home, and Reno schools, two in all, at one thousand and seventy dollars each;

"For principals of Blow, Douglass, Payne, and Simmons schools, seven manual training school teachers, three teachers of music, one teacher of drawing, and one teacher of physical culture, sixteen in all, at one thousand and forty dollars each;

"For one grade teacher, one thousand and thirty dollars;

"For principal of Military Road School, one thousand and ten dollars;

"For teachers of normal, high, and manual training schools, eighty-nine in all, at one thousand dollars each;

"For four, at nine hundred and ninety dollars each;

"For five, at nine hundred and eighty dollars each;

"For eleven, at nine hundred and fifty dollars each;

"For one, nine hundred and twenty-five dollars;

"For four, at nine hundred and twenty dollars each;

"For eleven, at nine hundred dollars each;

"For one, eight hundred and ninety dollars;

"For four, at eight hundred and seventy-five dollars each;

"For eighty, at eight hundred and sixty dollars each;

"For six, at eight hundred and fifty dollars each;

"For two, at eight hundred and forty-five dollars each;

"For eleven, at eight hundred and thirty dollars each;

"For fourteen, at eight hundred and twenty-five dollars each;

"For two hundred and seventy-eight, at eight hundred dollars each;

"For five, at seven hundred and seventy-five dollars each;

"For twelve, at seven hundred and fifty dollars each;

"For sixteen, at seven hundred and twenty-five dollars each;

"For two, at seven hundred dollars each;

"For one hundred and fifty-five, at six hundred and seventy-five dollars each;

"For two hundred and forty-one, at six hundred and fifty dollars each;

"For twenty, at six hundred and twenty-five dollars each;

"For three hundred and nineteen, at six hundred dollars each;

"For three, at five hundred and seventy-five dollars each;

"For three, at five hundred and fifty dollars each;

"For nineteen, at five hundred and twenty-five dollars each;

"For thirty-four, at five hundred dollars each;

"In all, one million two hundred and eighty-one thousand and fifteen dollars.

"*Provided*, That when a salary in any class or group shall be vacated by resignation or otherwise the salary required to be paid to the teacher or officer promoted to fill such vacancy under the provisions of an act to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia, approved June nineteen hundred and six, may be substituted therefor: *Provided further*, That in assigning salaries to teachers no discrimination shall be made between male and female teachers employed in the same grade of school and performing a like class of duties; and it shall not be lawful to pay, or authorize or require to be paid, from any of the salaries of teachers herein provided, any portion or percentage thereof for the purpose of adding to salaries of higher or lower grades.

"Night schools: For night schools for pupils, and teachers of night schools may also be teachers in the day schools, twelve thousand dollars.

"For contingent and other necessary expenses of night schools, seven hundred dollars.

"Kindergarten supplies: For kindergarten supplies, two thousand five hundred dollars."

And the Senate agree to the same.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "three hundred dollars;" and the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "ninety-six thousand seven hundred dollars;" and the Senate agree to the same.

Amendment numbered 121: That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "forty-five thousand dollars;" and the Senate agree to the same.

Amendment numbered 132: That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: At the end of line 1 of the said amendment, after the word "at," insert "or near;" and the Senate agree to the same.

Amendment numbered 149: That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "forty-four thousand two hundred and fifty-five dollars;" and the Senate agree to the same.

Amendment numbered 153: That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twelve thousand seven hundred and forty dollars;" and the Senate agree to the same.

Amendment numbered 158: That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four thousand two hundred and twenty dollars;" and the Senate agree to the same.

Amendment numbered 164: That the House recede from its disagreement to the amendment of the Senate numbered 164, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred thousand three hundred and sixty dollars;" and the Senate agree to the same.

Amendment numbered 166: That the House recede from its disagreement to the amendment of the Senate numbered 166, and agree to the same with amendments as follows:

In lieu of the sum proposed insert "twenty thousand dollars."

On page 52 of the bill, in line 9, after the word "For," insert the word "brick."

And the Senate agree to the same.

Amendment numbered 167: That the House recede from its disagreement to the amendment of the Senate numbered 167, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty-seven thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 169: That the House recede from its disagreement to the amendment of the Senate numbered 169, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "sixty-seven thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 173: That the House recede from its disagreement to the amendment of the Senate numbered 173, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "forty-eight thousand five hundred and sixty dollars;" and the Senate agree to the same.

Amendment numbered 175: That the House recede from its disagreement to the amendment of the Senate numbered 175, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty-five thousand dollars;" and the Senate agree to the same.

Amendment numbered 185: That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four hundred and eighty dollars;" and the Senate agree to the same.

Amendment numbered 189: That the House recede from its disagreement to the amendment of the Senate numbered 189, and agree to same with an amendment as follows: In lieu of the sum proposed insert "two thousand nine hundred and eighty dollars;" and the Senate agree to the same.

Amendment numbered 191: That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: In lieu of the matter stricken out and inserted by said amendment insert the following: "bailiff, six hundred dollars; three charmen, at three hundred and sixty dollars each;" and the Senate agree to the same.

Amendment numbered 192: That the House recede from its disagreement to the amendment of the Senate numbered 192, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty-three thousand two hundred and fifty dollars;" and the Senate agree to the same.

Amendment numbered 194: That the House recede from its disagreement to the amendment of the Senate numbered 194, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "six thousand dollars;" and the Senate agree to the same.

Amendment numbered 195: That the House recede from its disagreement to the amendment of the Senate numbered 195, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "eighteen thousand seven hundred dollars;" and the Senate agree to the same.

Amendment numbered 197: That the House recede from its disagreement to the amendment of the Senate numbered 197, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four hundred dollars;" and the Senate agree to the same.

Amendment numbered 198: That the House recede from its disagreement to the amendment of the Senate numbered 198, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "fourteen thousand four hundred dollars;" and the Senate agree to the same.

Amendment numbered 203: That the House recede from its disagreement to the amendment of the Senate numbered 203, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "fourteen thousand three hundred and sixty dollars;" and the Senate agree to the same.

Amendment numbered 214: That the House recede from its disagreement to the amendment of the Senate numbered 214, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "nine thousand four hundred and eighty dollars;" and the Senate agree to the same.

Amendment numbered 227: That the House recede from its disagreement to the amendment of the Senate numbered 227, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "fourteen thousand dollars;" and the Senate agree to the same.

Amendment numbered 228: That the House recede from its disagreement to the amendment of the Senate numbered 228, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "eight thousand dollars;" and the Senate agree to the same.

Amendment numbered 229: That the House recede from its disagreement to the amendment of the Senate numbered 229, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "eight thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 233: That the House recede from its disagreement to the amendment of the Senate numbered 233, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "three thousand dollars;" and the Senate agree to the same.

Amendment numbered 234: That the House recede from its disagreement to the amendment of the Senate numbered 234, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "three thousand dollars;" and the Senate agree to the same.

Amendment numbered 235: That the House recede from its disagreement to the amendment of the Senate numbered 235, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "four thousand dollars;" and the Senate agree to the same.

Amendment numbered 238: That the House recede from its disagreement to the amendment of the Senate numbered 238, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "six thousand seven hundred and twenty dollars;" and the Senate agree to the same.

Amendment numbered 239: That the House recede from its disagreement to the amendment of the Senate numbered 239, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "eighty-one thousand three hundred and twenty dollars;" and the Senate agree to the same.

Amendment numbered 243: That the House recede from its disagreement to the amendment of the Senate numbered 243, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "seven thousand four hundred and sixty-eight dollars;" and the Senate agree to the same.

Amendment numbered 244: That the House recede from its disagreement to the amendment of the Senate numbered 244, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "seventeen thousand one hundred and forty-four dollars;" and the Senate agree to the same.

Amendment numbered 247: That the House recede from its disagreement to the amendment of the Senate numbered 247, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "five thousand four hundred dollars;" and the Senate agree to the same.

Amendment numbered 251: That the House recede from its disagreement to the amendment of the Senate numbered 251, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "three thousand seven hundred dollars;" and the Senate agree to the same.

Amendment numbered 259: That the House recede from its disagreement to the amendment of the Senate numbered 259, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "three thousand dollars;" and the Senate agree to the same.

F. H. GILLETT,
WASHINGTON GARDNER,
A. S. BURLESON,
Managers on the part of the House.

J. H. GALLINGER,
GEO. PEABODY WETMORE,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 18198) making appropriations for the expenses of the government of the District of Columbia for the fiscal year 1907 submit the following written statement in explanation of the effect of the action agreed upon and submitted in the accompanying conference report as to each of the amendments, namely:

On amendments Nos. 1, 2, and 3: Strikes out the increase of $90 proposed by the Senate in the salary of the secretary to the Board of Commissioners, and restores the salary of the janitor of the District building to $1,200, as proposed by the Senate.

On amendments Nos. 4, 5, and 6: Appropriates $500, as proposed by the Senate, instead of $100, as proposed by the House, as additional compensation to the assessor, and inserts the provision proposed by the Senate authorizing the acceptance of returns of gross earnings made by companies or corporations to the assessor on or before October 18, 1905, as if the same had been made on the 1st day of August, 1905.

On amendments Nos. 7 and 8: Appropriates for an additional clerk at $1,200 for the excise board, as proposed by the Senate.

On amendments Nos. 9, 10, and 11: Appropriates for an additional inspector at $1,200 for the personal tax board, and increases the amount for extra clerk hire from $1,000 to $2,000.

On amendments Nos. 12 and 13: Strikes out the provision proposed by the Senate for an additional messenger at $480 in the auditor's office.

On amendments Nos. 14 and 15: Strikes out the provision proposed by the Senate for a hostler and laborer at $365 in the coroner's office.

On amendments Nos. 16, 17, and 18: Strikes out the provision for one market master at $600, as proposed by the Senate, and increases the amount for labor for cleaning market houses from $1,800 to $1,920.

On amendments Nos. 19, 20, 21, 22, 23, and 24, relating to the engineer's office: Increases the salary of a skilled laborer from $600 to $625; provides for 4 oilers at $600 each, instead of 5 as proposed by the Senate and 3 as proposed by the House; provides for 5 firemen at $875 each as proposed by the Senate, instead of 6 firemen at $840 each as proposed by the House, and provides for salary of superintendent of stables at $1,500, instead of $1,950 as proposed by the Senate, and $1,200 as proposed by the House.

On amendments Nos. 25, 26, 27, 28, and 29, relating to the street-sweeping office: Provides as follows: For a stable foreman at $1,000, instead of $1,050 as proposed by the Senate and $900 as proposed by the House; strikes out the proposed increase of $300 proposed by the Senate in the salary of a clerk, and makes verbal corrections in the text of the bill.

On amendments Nos. 31 and 32: Fixes the compensation of a statistician in the department of insurance at $1,500, as proposed by the Senate, instead of $1,400, as proposed by the House.

On amendments Nos. 33, 34, 35, 36, and 37, relating to the surveyor's office: Provides, as proposed by the Senate, as follows: For an assistant computer at $825; for an additional rodman at $825, and increases the amount for temporary services from $4,000 to $4,500.

On amendments Nos. 38, 39, 40, 41, 42, 43, 44, and 45, relating to Free Public Library: Provides for a children's librarian at $1,000, and for three additional pages at $240 each, as proposed by the Senate; strikes out the increase proposed by the Senate of one chief of circulating department at $1,000, one assistant at $720, and three attendants at $360 each; appropriates $7,500, as proposed by the House, for the purchase of books, instead of $10,000, as proposed by the Senate, and $3,000 for binding, as proposed by the House, instead of $3,500, as proposed by the Senate.

On amendments Nos. 46, 47, and 48: Appropriates for contingent and miscellaneous expenses of the District government $40,000, as proposed by the House, instead of $42,000, as proposed by the Senate, and inserts the provision proposed by the Senate concerning the use of horses and vehicles belonging to the District of Columbia.

On amendment No. 49: Appropriates $1,000, as proposed by the House, instead of $2,000, as proposed by the Senate, for judicial expenses.

On amendment No. 50: Appropriates $2,750, instead of $2,500 as proposed by the House and $3,000 as proposed by the Senate, for expenses of the coroner's office.

On amendment No. 51: Appropriates $500 for the erection of tablets to mark historical places in the District of Columbia.

On amendments Nos. 52 and 53: Excepts from the provision requiring the use of book typewriters in the office of the recorder of deeds cases where the use of a pen may be found necessary; and strikes out of the bill the provision proposed by the Senate authorizing the recopying of certain records in the office of the recorder of deeds.

On amendments Nos. 54, 55, 56, 57, 58, 59, 60, 61, 62, and 63: Appropriates $70,000, as proposed by the Senate, instead of $46,666, proposed by the House, for paving streets and avenues in the different sections of the city; and strikes out the specific provision inserted by the Senate for paving certain other stipulated streets.

On amendment No. 64: Appropriates $50,000, as proposed by the Senate, to be paid wholly from the revenues of the District, for opening alleys and minor streets.

On amendments Nos. 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, and 82: Inserts all of the specific appropriations proposed by the Senate for improving certain county roads and suburban streets, except the following, which are omitted, namely: Brookland avenue, streets in American University Park, Albemarle street, Chesapeake street, Florida avenue, Minnesota avenue, and Fifteenth street.

On amendment No. 83: Appropriates $25,000, as proposed by the Senate, for extending Massachusetts avenue from Wisconsin avenue to Nebraska avenue.

On amendment No. 84: Appropriates $300,000, as proposed by the Senate, instead of $275,000, as proposed by the House, for repairs to streets, avenues, and alleys.

On amendment No. 85: Appropriates $6,000, as proposed by the House, instead of $9,500, as proposed by the Senate, for replacing and repairing sidewalks and curbs around public reservations and municipal buildings.

On amendment No. 86: Appropriates $275,000, as proposed by the Senate, for continuation of work on the reconstruction of the Anacostia bridge; and in connection therewith inserts an appropriation of $54,000 on account of the approach to the Anacostia end of said bridge, requiring the Baltimore and Ohio Railroad Company to bear a part of the expense, and also requiring the Anacostia and Potomac River Railroad Company to contribute $15,000 toward the total cost of said bridge, all of which provisions are fully set forth in the conference report as printed in the RECORD.

On amendment No. 87: Appropriates $38,000, as proposed by the Senate, instead of $37,500, as proposed by the House, for cleaning and repairing sewers.

On amendment No. 88: Appropriates $100,000, instead of $150,000 as proposed by the Senate and $44,000 as proposed by the House, for suburban sewers.

On amendment No. 89: Appropriates $40,000, as proposed by the Senate, for east side intercepting sewer from boundary sewer to Brookland.

On amendment No. 90: Appropriates $240,000, instead of $250,000 as proposed by the Senate and $225,000 as proposed by the House, for sprinkling, sweeping, and cleaning streets.

On amendment No. 91: Appropriates $2,500, as proposed by the House, instead of $10,000, as proposed by the Senate, for cleaning snow and ice from cross walks and gutters.

On amendments Nos. 92 and 93: Appropriates $5,000, as proposed by the House, instead of $15,000, as proposed by the Senate, for improvements at the bathing beach.

On amendments Nos. 94 and 95: Appropriates $500, as proposed by the Senate, instead of $2,000, as proposed by the House, for public scales.

On amendments Nos. 96 and 97: Appropriates $2,000, as proposed by the House, instead of $3,000, as proposed by the Senate, for public pumps.

On amendments Nos. 98, 99, and 100: Makes verbal corrections in the text of the bill, and strikes out the appropriation of $500, as proposed by the Senate, for reconstructing wharf and sea wall adjacent to the morgue.

On amendment No. 101: Appropriates $6,200, as proposed by the Senate, for condemnation of insanitary buildings.

On amendments Nos. 102, 103, and 104: Relating to the electrical department, appropriates $13,000, as proposed by the Senate, instead of $12,000, as proposed by the House, for general supplies; strikes out the appropriations proposed by the Senate of $1,000 for a telephone switchboard in the office of the superintendent of police and $1,700 for improvement of fire-alarm boxes.

On amendments Nos. 105, 106, and 107: Relating to the lighting of streets by gas, appropriates $250,000, instead of $260,000, as proposed by the Senate, and $240,000, as proposed by the House, for such lighting, and fixes the rates to be paid therefor at $18 per lamp per annum for flat-flame burners, instead of $20, as proposed by the Senate, and $15, as proposed by the House, and at $25 per lamp per annum for incandescent-mantle burners, instead of $26, as proposed by the Senate, and $20, as proposed by the House.

On amendments Nos. 108 and 109: Appropriates $95,000, as proposed by the Senate, instead of $80,000, as proposed by the House, for lighting streets by electric arc lamps, and fixes the rate per lamp per annum at $85, as proposed by the Senate, instead of $80, as proposed by the House.

On amendment No. 110: Appropriates for the officers and employees in the office of the superintendent of schools in accordance with the act recently passed by Congress regulating their number and compensation.

On amendment No. 111: Appropriates for two attendance officers at $600 each for the public schools, as proposed by the Senate.

On amendment No. 112: Appropriates for the teachers of the public schools of the District of Columbia in accordance with the number and rates of compensation provided in the act recently passed by Congress regulating the same.

On amendments Nos. 113, 114, 115, 116, 117, and 118: Relating to janitors of public buildings, increases the salaries of those receiving $540 to $600; of those receiving $360 to $420, as proposed by the Senate, and of those receiving $240 to $300, instead of $360, as proposed by the Senate; appropriates $6,000, as proposed by the Senate, instead of $5,000, as proposed by the House, for care of smaller buildings and rented rooms, and strikes out the provision proposed by the Senate for 1 cabinetmaker for repairing school furniture, at $1,000.

On amendments Nos. 119 and 120: Strikes out the provision proposed by the Senate for rent of storage and stock rooms and appropriates, as proposed by the Senate, $27,372, being the amount required to rent, equip, and care for temporary room for increased enrollment caused by the operation of the compulsory-education law.

On amendment No. 121: Apropriates $45,000, instead of $50,000 as proposed by the Senate and $40,000 as proposed by the House, for repairs and changes in plumbing in school buildings.

On amendments Nos. 122 and 123: Strikes out the appropriations proposed by the Senate of $7,200 to complete the equipment of the New Business High School and $6,000 for the physics department in the Central, Eastern, Western, and M Street high schools.

On amendment No. 124: Appropriates $40,000, as proposed by

the Senate, instead of $39,000, as proposed by the House, for contingent expenses of the public schools.

On amendment No. 125: Appropriates $2,000, as proposed by the House, instead of $2,500, as proposed by the Senate, for purchase of pianos for school buildings.

On amendment No. 126: Appropriates $54,000, as proposed by the Senate, instead of $53,000, as proposed by the House, for text-books and school supplies.

On amendments Nos. 127 and 128: Appropriates $1,500, as proposed by the House, instead of $2,000, as proposed by the Senate, for school playgrounds, and strike out the appropriation of $1,000, propored by the Senate, for plants, etc., for school gardens.

On amendment No. 129: Strikes out the appropriation of $3,933, proposed by the Senate, for purchase of additional land for the Armstrong Manual Training School.

On amendment No. 130: Authorizes the construction of an 8-room building to relieve the McCormick School, to cost not exceeding $60,000, as proposed by the Senate.

On amendments No. 131 and 132: Appropriates, as proposed by the Senate, $35,000 for a school building in Brightwood Park and $30,000 for a school building at or near Deanwood.

On amendments No. 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, and 158, relating to the Metropolitan police: Appropriates for the officers and men of the Metropolitan police in accordance with the number and compensation prescribed by the act passed at the present session of Congress; appropriates $4,000, as proposed by the Senate, instead of $3,500, as proposed by the House, for fuel for police stations; strikes out the appropriation of $2,400, proposed by the Senate, for a site for a station house in Anacostia; strikes out increase proposed by the Senate of compensation to the superintendent of the House of Detention; and increases the salaries of two clerks from $720 to $900 each, and of four drivers from $400 to $540 each, as proposed by the Senate, for the House of Detention; appropriates $2,000, as proposed by the Senate, instead of $1,500, as proposed by the House, for fuel and other expenses for the harbor patrol; and strikes out the appropriation of $700, proposed by the Senate, for repair of harbor boat.

On amendments No. 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, and 169, relating to the fire department: Appropriates for miscellaneous expenses and for increase of the fire department as follows:

For repairs and improvements to engine houses and grounds, $8,000 as proposed by the House, instead of $9,000 as proposed by the Senate; for repairs to apparatus, $10,000 as proposed by the Senate, instead of $9,000 as proposed by the House; for purchase of hose, $13,000, as proposed by the Senate, instead of $12,000 as proposed by the House; for fuel, $14,000 as proposed by the Senate, instead of $12,000 as proposed by the House; for purchase of horses, $13,000 as proposed by the House, instead of $15,000 as proposed by the Senate; increases the amount for chemical engine company at or near Benning from $12,000 as proposed by the House to $20,000, instead of $24,000 as proposed by the Senate; appropriates $37,500 for new engine house on Washington Heights instead of $35,000 as proposed by the House and $40,000 as proposed by the Senate; and strikes out the appropriation of $5,300 proposed by the Senate for a steam fire engine.

On amendments Nos. 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, and 181, relating to the health department: Strikes out the provision proposed by the Senate for two sanitary and food inspectors, at $1,000 each; provides for an inspector of marine products, at $1,200, as proposed by the Senate; strikes out the provision for one clerk at $900, proposed by the Senate; appropriates $25,000 instead of $30,000, as proposed by the Senate, and $20,300, as proposed by the House, for the enforcement of provisions of acts to prevent the spread of certain diseases; appropriates $120, as proposed by the Senate, for rent of a stable; strikes out the provision proposed by the House for certain special employees in the smallpox hospital; strikes out the appropriation of $500, as proposed by the Senate, for an additional pound wagon; appropriates $3,500, as proposed by the Senate, instead of $2,500 as proposed by the House, for emergency fund to enforce the drainage of lots.

On amendments Nos. 182, 183, 184, 185, 186, 187, 188, and 189, relating to the juvenile court: Provides for a janitor at $540, as proposed by the Senate; appropriates $1,000, as proposed by the Senate, instead of $200, as proposed by the House, for compensation of jurors, and $480 instead of $600, as proposed by the Senate, and $300, as proposed by the House, for rent; $900, as proposed by the House, instead of $1,200, as proposed by the Senate, for miscellaneous expenses.

On amendments Nos. 190, 191, 192, 193, 194, and 195, relating to the police court, appropriates, as proposed by the Senate, for an assistant engineer at $720, one fireman at $360, and three charmen at $360 each; strikes out the provision, proposed by the Senate, for four additional bailiffs at $600 each, night watchman at $630, and matron at $600; appropriates $300, as proposed by the House, instead of $500, as proposed by the Senate, for repairs to building, and $6,000, instead of $8,000, as proposed by the Senate, and $5,000, as proposed by the House, for furnishing new police court building.

On amendments Nos. 196, 197, 197½, and 198, relating to the justices of the peace: Provides for their salaries at $2,000 instead of $2,500 each, as proposed by the Senate; makes an allowance of $400 instead of $900, as proposed by the Senate, and $250, as proposed by the House, for rent and clerical services for each justice of the peace.

On amendments Nos. 199 and 200: Provides for three messengers, at $720 each, as proposed by the House, instead of seven assistant messengers, at $720 each, as proposed by the Senate, for service in the court-house.

On amendments Nos. 201, 202, 203, and 204, relating to the board of charities: Provides for a stenographer at $1,200, as proposed by the Senate, instead of $1,080, as proposed by the House; appropriates for traveling expenses $200, as proposed by the House, instead of $400 as proposed by the Senate; and strikes out of the bill the provision proposed by the House requiring that all appropriations for charities and corrections be disbursed by the disbursing officer of the District.

On amendments Nos. 205 and 206: Appropriates for an engineer at $720 for the Washington Asylum, as proposed by the Senate, instead of an engineer at $600.

On amendment No. 207: Appropriates $200, as proposed by the Senate for payment to beneficiaries under the act to make it a misdemeanor in the District of Columbia to abandon or neglect to provide for the support and maintenance by any person of his wife or his or her minor children in destitute or necessitous circumstances.

On amendments Nos. 208, 209, 210, 211, 212, 213, 214, 215, and 216, relating to the Home for the Aged and Infirm: Appropriates for the chief engineer at $720, as proposed by the Senate, instead of $600, as proposed by the House; strikes out the other provisions proposed by the Senate for increase of compensation and for additional employees in the institution; appriates $4,000, as proposed by the Senate, for the laundry plant, and $4,000, as proposed by the House, instead of $5,000, as proposed by the Senate, for additional land.

On amendments Nos. 217, 218, 219, 220, 221, and 222, relating to the Reform School for Girls: Appropriates for two additional teachers of industries, at $480 each, as proposed by the Senate; appropriates $12,000, as proposed by the Senate, instead of $10,000, as proposed by the House, for general expenses, and $3,000, as proposed by the Senate, for repairs to buildings.

On amendments Nos. 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, and 235: Strikes out the appropriation of $104,000, proposed by the House, to be expended by and in the discretion of the board of charities for medical charities in the District of Columbia, and appropriates as proposed by the Senate specific amounts for each medical charity.

On amendments Nos. 236, 237, 238, and 239, relating to the Board of Children's Guardians: Fixes the salary of the agent at $1,800 as proposed by the Senate, instead of $1,500 as proposed by the House; strikes out the provision for a probation officer at $1,200, proposed by the Senate.

On amendments Nos. 240, 241, 242, 243, 244, 245, and 246, relating to the Industrial Home School: Strikes out the increase proposed by the Senate of the salary of the florist from $600 to $720; and increases, as proposed by the Senate, the salary of the farmer from $360 to $480 and of the cook from $216 to $240; appropriates $1,000 as proposed by the House, instead of $2,000 as proposed by the Senate, for repairs and improvements to buildings; and strikes out the appropriation of $800 as proposed by the Senate for a reserve pump and motor.

On amendment No. 247: Appropriates $5,400 instead of $6,000, as proposed by the Senate, and $5,000, as proposed by the House, for the Washington Hospital for Foundlings.

On amendment No. 248: Appropriates $5,400, as proposed by the House, instead of $6,000, as proposed by the Senate, for St. Ann's Infant Asylum.

On amendments Nos. 249, 250, and 251, relating to the municipal lodging house: Appropriates $1,200, as proposed by the Senate, instead of $1,000, as proposed by the House, for salary of the superintendent; and strikes out provision for a clerk at $720, as proposed by the Senate.

On amendments Nos. 252, 253, 254, and 255, relating to the Temporary Home for ex-Union Soldiers and Sailors: Appropriates $1,200, as proposed by the Senate, instead of $1,000, as

proposed by the House, for salary of the superintendent, and $3,500, as proposed by the Senate, instead of $3,700, as proposed by the House, for maintenance; and makes a verbal correction in the text of the bill in the paragraph relating to the Hospital for the Insane.

On amendments Nos. 256, 257, 258, 259, 260, and 261, relating to the militia: Appropriates $1,500, as proposed by the Senate, instead of $400, as proposed by the House, for lockers and furniture for armories; increases the compensation of the custodian in charge of property and storerooms, as proposed by the Senate, from $900 to $1,000; appropriates $15,000, as proposed by the House, instead of $17,000 as proposed by the Senate, for expenses of camps, instruction, practice marches and practice cruises, and provides that $3,000 of the sum appropriated for these objects for 1906 shall be available for rifle practice and repair of practice ships for that year; appropriates $500, as proposed by the Senate, instead of $300, as proposed by the House, for general incidental expenses; and strikes out the appropriation of $6,300 proposed by the Senate for a building for use of the Naval Battalion.

On amendment No. 262: Appropriates $100,000, as proposed by the Senate, for water meters.

On amendments Nos. 263, 264, 265, and 266, relating to the water department: Appropriates for an additional clerk at $1,000, as proposed by the Senate, in the revenue and inspection branch, and inserts the provision, as proposed by the Senate, for the payment to the Holly Manufacturing Company of the sum of $6,880.

On amendment No. 267: Fixes the amount that may be expended for certain personal services out of appropriations for public works in the District at $60,000, as proposed by the Senate, instead of $50,000, as proposed by the House.

On amendments Nos. 268 and 269: Inserts as a separate section the provision proposed by the Senate, authorizing for the fiscal year 1907 advances out of the Treasury to meet any deficit that may occur in the revenues of the District of Columbia during that year and makes correction in the number of a section.

F. H. GILLETT,
WASHINGTON GARDNER,
A. S. BURLESON,
Managers on the part of the House.

Mr. GILLETT of Massachusetts. Mr. Speaker, this is the unanimous report of the conference committee, and while the bill is not in many respects as we would like to have it, we think it is fairly satisfactory. I move the adoption of the conference report.

Mr. GAINES of Tennessee. Mr. Speaker, I will ask the gentleman from Massachusetts to yield to me for a moment, until I put a request for unanimous consent.

Mr. GILLETT of Massachusetts. I will yield to the gentleman.

Mr. GAINES of Tennessee. Mr. Speaker, I have this morning furnished me, at my own request, by my friend, Mr. H. W. Taft, a copy of the indictment found a few days ago by the Federal grand jury in New York against McAdams & Forbes Company, of New York, a branch of the tobacco trust. It is a new proceeding, based in the main on new laws, and very valuable for the House and the country to read. I therefore ask unanimous consent that it may be printed in the RECORD.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to print in the RECORD a copy of the indictment in the case of the United States of America against the McAdams & Forbes Company, of New York. Is there objection?

Mr. PAYNE. Mr. Speaker, I object.

The SPEAKER. The gentleman from New York objects.

Mr. GAINES of Tennessee. Mr. Speaker, I am very much surprised at the gentleman from New York [Mr. PAYNE].

The SPEAKER. The question is on the motion of the gentleman from Massachusetts, on the adoption of the conference report.

The question was taken; and the conference report was agreed to.

SWEARING IN OF A MEMBER.

Mr. Coudrey appeared at the bar of the House and took the oath of office prescribed by law.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the sundry civil appropriation bill, to nonconcur in the Senate amendments thereto, and to ask for a conference.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to take from the Speaker's table the sundry civil appropriation bill, to nonconcur in the Senate amendments, and to ask for a conference. Is there objection? [After a pause.] The Chair hears none, and the Chair announces the following conferees on the part of the House: Mr. TAWNEY, Mr. SMITH of Iowa, and Mr. TAYLOR of Alabama.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent to have printed the sundry civil bill with the Senate amendments numbered.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET. Mr. Speaker, I call up the conference report on the post-office appropriation bill, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Indiana calls up the conference report on the post-office appropriation bill and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16953) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1907, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 13, 27, 28, 39, 40, 41, 49, 50, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 67, 68, 70, 71, 72, 73, 76, 77, 79, and 80.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, 8, 11, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 44, 45, 46, 47, 48, 66, 69, 74, 75, and 82; and agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: Strike out the word "thirty-five" and insert the word "seventy-two;" and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: Strike out "five hundred and fifty-four thousand seven hundred and fifty" and insert "five hundred and ninety-nine thousand one hundred and fifty;" and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment fo the Senate numbered 12, and agree to the same with an amendment as follows: Strike out the word "ninety-four" and insert the words "one hundred and forty-seven;" and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: Strike out the words "one hundred and five" and insert the word "ninety-five;" and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: Strike out the word "eight" and insert the word "six;" and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: Strike out the words "three hundred and seventy" and insert the words "two hundred and fifty;" and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: Strike out the words "eight hundred and thirty" and insert the words "eight hundred;" and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the Postmaster-General shall require all railroads carrying the mails under contract to comply with the terms of said contract as to time of arrival and departure of said mails, and it shall be his duty to impose and collect reasonable fines for delay when such delay is not caused by unavoidable accidents or conditions."

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and

agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For pay of freight or expressage on postal cards, stamped envelopes, newspaper wrappers, empty mail bags, furniture, equipment, and other supplies for the postal service, except postage stamps, two hundred and fifty thousand dollars. And the Postmaster-General shall require, when in freightable lots and whenever practicable, the withdrawal from the mails of all postal cards, stamped envelopes, newspaper wrappers, empty mail bags, furniture, equipment, and other supplies for the postal service, except postage stamps, in the respective weighing divisions of the country immediately preceding the weighing period in said divisions, and such postal cards, stamped envelopes, newspaper wrappers, empty mail bags, furniture, equipment, and other supplies for the postal service, except postage stamps, shall be transmitted by either freight or express;" and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: Strike out the words "thirty thousand" and insert the words "twenty-seven thousand five hundred;" and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: Strike out the words "thirty-two thousand five hundred" and insert the words "thirty thousand;" and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: Strike out the words "seven hundred and ninety-three thousand six hundred" and insert the words "eight hundred and seventy thousand;" and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: Strike out of the amendment "exclusive of holidays and Sundays," and substitute for the proviso the following: "That in the discretion of the Postmaster-General the pay of any rural carrier on a water route who furnishes his own power boat and is employed during the summer months, may be fixed at an amount not exceeding seven hundred and twenty dollars in any one calendar year;" and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "That hereafter no article, package, or other matter, except postage stamps, stamped envelopes, newspaper wrappers, postal cards, and internal-revenue stamps, shall be admitted to the mails under a penalty privilege, unless such article, package, or other matter, except postage stamps, stamped envelopes, newspaper wrappers, postal cards, and internal-revenue stamps, would be entitled to admission to the mails under laws requiring payment of postage;" and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: Strike out the word "Committee" wherever it appears and insert in lieu thereof the word "Commission," and add at the end of said amendment the words "out of any money in the Treasury not otherwise appropriated, to be paid out on the order of the chairman of the Joint Commission;" and the Senate agree to the same.

JESSE OVERSTREET,
J. J. GARDNER,
JOHN A. MOON,
Managers on the part of the House.
BOIES PENROSE,
A. S. CLAY,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16953) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1907, submit the following written statement in explanation of the effect of the action agreed upon in the accompanying conference report on each of the Senate amendments, namely:

The Senate made eighty-three amendments to the bill, involving an increase of $998,330.

By the action of the conferees, submitted in the accompanying report, the House recedes upon amendments involving an increase of $208,430. The Senate receded on amendments involving $789,900.

The bill as passed by the House carried $191,487,568.75.

As agreed to by the conferees the bill carries $191,695,998.75.

Amendment No. 1: This amendment reduces the appropriation for advertising purposes by $1,500.

Amendment No. 2: This amendment authorized three experienced postal officials to investigate postal conditions, and was disagreed to.

Amendments Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12: These amendments refer to the post-office inspection service, and the effect is to authorize the increase of salaries of a portion of the inspectors and rural agents by the terms of the amendment transferred or merged into the post-office inspection service.

Amendment No. 13: This amendment restores the appropriation for per diem allowance of inspectors to the amount carried by the House bill.

Amendment No. 14: This amendment increases the appropriation for compensation of clerks and laborers at division headquarters $5,000 over the amount carried by the House bill.

Amendment No. 15: This amendment merely changes the phraseology.

Amendment No. 16: This amendment increases the appropriation for miscellaneous expenses at division headquarters by $1,000.

Amendments Nos. 17, 18, 19, 20, 21, and 22: These amendments result in the promotion of four superintendents from salaries of $3,000 each to salaries of $3,200 each.

Amendments Nos. 23, 24, and 25: These amendments permit two private secretaries to postmasters at salaries of $2,400 each instead of one at that salary and one at $1,700.

Amendment No. 26: This amendment grants discretion to the Postmaster-General in assignment of compensation of employees in offices of the first and second classes in accordance with the amount of business transacted in such offices.

Amendment No. 27: This amendment granted leave of absence to clerks in offices of the first and second classes, exclusive of Sundays and holidays, and was disagreed to.

Amendment No. 28: This amendment restores to the House bill authority for expenditure for temporary clerk hire at summer and winter resorts.

Amendment No. 29: This amendment increases by $25,000 the appropriation for necessary and miscellaneous items connected with first and second class post-offices.

Amendments Nos. 30, 31, 32, 33, and 34: These amendments result in authorizing three additional superintendents of the salary and allowance division with the same grade of pay and per diem as those now employed.

Amendment No. 35: This amendment reduces by $25,000 the appropriation for letter carriers and substitutes at offices entitled under existing law to city-delivery service.

Amendments Nos. 36, 37, and 38: These simply change the phraseology relative to incidental expenses in the city-delivery service.

Amendments Nos. 39, 40, and 41: These amendments restore the provision of the House bill relative to travel and miscellaneous expenses in the office of the First Assistant Postmaster-General.

Amendment No. 42: This amendment increases the appropriation carried by the House bill for inland transportation by star routes by $150,000.

Amendment No. 43: This amendment increases the appropriation for inland transportation by steamboats and other power boats $25,000.

Amendments Nos. 44, 45, and 46: These amendments result in authorizing pneumatic-tube service at the cities of San Francisco and Baltimore in addition to the authorization in the House bill, and increase the authority for annual pay by $88,734.16, and permit contracts for such service for a period of ten years.

Amendments Nos. 47 and 48: These amendments authorize an additional $5,000 expenditure for rent of mail-bag repair shop and expenses incident thereto.

Amendment No. 49: This amendment authorized a lease for ten years for buildings for postal supplies and also for mail-bag repair shop at an annual rental of not exceeding $35,000. This amendment was disagreed to.

Amendment No. 50: So far as this amendment referred to the weighing of the mails in the western division incident to the earthquake in California on April 18, 1906, it was disagreed to. That portion of the amendment relative to authority for the Postmaster-General to require railroads to maintain the terms

of their contracts relative to the time of arrival and departure of mails was agreed to with an amendment.

Amendment No. 51: This amendment relates to the withdrawal from the mails at periods near the weighing periods of the general supplies of the postal service and was agreed to with a change of phraseology.

Amendments Nos. 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, and 62: These amendments, relative to the appropriation for railway postal cars and railway mail service, were disagreed to.

Amendments Nos. 63 and 64: These amendments, relating to per diem allowance for assistant superintendents of the railway mail service, were so modified as to make a change of $2,500 on the total allowance.

Amendment No. 65: This amendment relates to appropriation for inland transportation by electric and cable-car service and was modified so as to provide $70,000 less than the appropriation carried by the House bill.

Amendment No. 66: This changes the proviso in the expenditure of the money for special facilities on the trunk lines from Washington to Atlanta and New Orleans, and was agreed to.

Amendment No. 67: This amendment, authorizing payment of indemnity for loss of registered articles in the international mails, was disagreed to.

Amendment No. 68: This amendment results in an increase of $100,000 for the manufacture of adhesive postage stamps.

Amendments Nos. 69 and 70: These amendments were so modified as to prohibit the contract for the manufacture of adhesive postage stamps with any department or bureau of the Government below the cost of such work to the Government.

Amendments Nos. 71 and 72: These amendments, relative to the manufacture of stamped envelopes and postal cards, restore the amounts authorized by the House bill.

Amendment No. 73: This amendment restores the amount for travel and miscellaneous expenses in the office of the Third Assistant Postmaster-General to the amount authorized by the House bill.

Amendment No. 74: This increases by $10,000 the appropriation for stationery, including money-order offices.

Amendment No. 75: This amendment increases by $25,000 the appropriation for wrapping twine and tying devices.

Amendment No. 76: This authorized $500,000 additional for rural delivery service, and was disagreed to.

Amendment No. 77: This amendment authorized the collection of addresses by postmasters and rural carriers, and was disagreed to.

Amendment No. 78: The amendment relates to the authorization of fifteen days' annual leave to rural carriers with pay, and was agreed to with an amendment placing such leave of absence on the same basis now enjoyed by city carriers. The proviso in amendment No. 78, relative to pay of rural carriers on water routes, was agreed to with an amendment.

Amendment No. 79: This amendment gave permission to patrons on rural routes to use any kind of a box, and it was disagreed to.

Amendment No. 80: This amendment restores the appropriation carried by the House bill.

Amendment No. 81: This amendment relating to the admission to the mails under penalty privilege was disagreed to and in amended form accepted. The amendment as agreed to prevents the admission to the mails under penalty privilege of articles and packages, except stamped paper, unless such articles and packages would be entitled to admission to the mails under laws requiring payment of postage.

Amendment No. 82: This amendment provided that the provision did not apply to any committee composed of Members of Congress, and was agreed to.

Amendment No. 83: This amendment authorizes the appointment of a joint commission of Congress, consisting of three Senators and three Members of the House, to investigate and report relative to second-class mail matter. This amendment was agreed to with some amendments changing the phraseology.

JESSE OVERSTREET,
J. J. GARDNER,
JOHN A. MOON,
Managers on part of the House.

Mr. OVERSTREET. Mr. Speaker, I merely wish to call the attention of the House to a slight and unimportant error as it appeared in the printed copy of the report, both in the RECORD of the House at the time the report was submitted to the House and in the RECORD when the report was submitted to the Senate. The error was that the amendment No. 50 was noted as one of the several amendments from which the Senate had receded, when, as a matter of fact, that amendment was agreed to with an amendment. The original report submitted to both Houses and the Journal of both Houses were correct. I move the adoption of the report.

Mr. SIMS. Mr. Chairman, I regret exceedingly that the conferees have rejected the Senate amendment permitting patrons on rural mail routes to use boxes of wood or metal of their own make without being approved by the Post-Office Department. That amendment could have been so changed by the committee of conference as to have conformed to the bill I introduced by giving the Department the power to regulate by prescribing such general rules and regulations as might be necessary to protect the mail and make it convenient for the carrier. I have not lost hope of getting favorable action on my bill; if not during this session I think by the time the next session of this Congress convenes the Committee on Post-Offices and Post-Roads will have heard enough from their constituents to take fright and get busy.

Mr. Chairman, I am getting letters almost without number indorsing my bill and urging me to push it. They are all so nearly alike that to read one is to read all. I will not take up the time of the House reading those letters, nor will I even ask permission to insert them in the RECORD, but I will take the time of the House to read one letter, as it is from the State of the present Postmaster-General, and I very much desire that Mr. Cortelyou know what the people of his own State think of my bill. I am afraid our eminent Postmaster-General is relying altogether upon the suggestions and advice of the subordinates in his great Department and is not giving sufficient heed to the good hard, practical common sense of the farmers of the country.

The letter is as follows:

CHAUTAUQUA COUNTY POMONA GRANGE,
Jamestown, N. Y., June 16, 1906.

Hon. T. W. SIMS,
Washington, D. C.

MY DEAR MR. SIMS: Chautauqua County (N. Y.) Pomona Grange in session assembled June 15, 1906, unanimously indorsed the bill introduced by you April 30, which if passed would allow patrons of rural mail routes to put up such boxes as they see fit, and without the approval of the Post-Office Department. We believe it to be an injustice to the patrons of rural routes to require them to put up an "approved" box. We trust the bill you introduced may become a law. Chautauqua County Pomona Grange represents a membership of nearly 6,000 Patrons of Husbandry.

I received your speech of April 28 and 30. Thanks for the same.

Respectfully, yours,

A. A. VAN VLECK, *Secretary.*

This letter is of a kind that burdens my mail. You must remember that the farmers who are the patrons of these rural routes are not the kind of people who rush into print with their complaints, but who vote as they complain. Mr. Chairman, it is a remarkable view to take that the farmers are so intelligent and so well educated that we must, at the cost of many millions of dollars, supply them with daily mail and yet they are so simple and so disregardful of their own interests that a few clerks and subordinate Department officials must prescribe what kind of boxes these same farmers must use in which to receive their mail.

I now read a letter from the Postmaster-General, as follows:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., June 18, 1906.

SIR: In the CONGRESSIONAL RECORD of June 9, 1906 (p. 4835), referring to the statement made by the Department as to the unfit receptacles erected by patrons to be used as mail boxes on rural delivery routes prior to the issuance of regulations requiring the use of approved boxes, you are quoted as saying:

"I ask the Fourth Assistant Postmaster-General to specify and let us know where the people live, whether North, East, West, or South, that are guilty of what is here openly charged."

In that connection I have the honor to state that the conditions referred to existed to a very large extent prior to August 1, 1901, and as a matter of fact exist in isolated cases to-day. It would be difficult to furnish a complete report regarding the box conditions prior to the date mentioned, because of the fact that the records of the earlier years of the rural service are stored in another building and it would require much time and labor to search through them. The following, however, are a few of the cases disclosed by an examination of the files of this office:

"At Big Sandy, Tenn., a large list of patrons maintaining poor wooden boxes was reported, with statement from the postmaster, dated October 31, 1905, that all the wooden boxes in use on the four routes from that office were poor, being such boxes as the patrons could pick up, and none of them safe or waterproof.

"At Ashland City, Tenn., quite a number of nonweatherproof wooden boxes are reported in use, one on route No. 2 being a cigar box.

"At Albany, Oreg., among a large number of nonapproved boxes, is reported one oil can on route No. 1; one stovepipe and one oil can on route No. 3.

"At Minooka, Ill., is reported one wooden tobacco box on route No. 1, and on route No. 4, one box, wood and tin, made from stovepipe.

"At Washington, Pa., route No. 4, a stovepipe; route No. 7, a basket; route No. 10, a tin can.

"At Union City, Tenn., route No. 1, a stovepipe, and on several rural routes from that office large number of wooden boxes in bad condition.

"Under date of April 29, 1902, the postmaster at Meadville, Pa., reporting on the condition of boxes on thirteen rural routes from that office, states that out of 1,600 patrons all but 100 have erected approved boxes, the remainder having wooden boxes of all qualities, including soap and cigar boxes."

In regard to the boxes in use on rural routes in the Eighth Congressional district of Tennessee, it should be stated that the percentage of condemned boxes in this district is quite low, which is undoubtedly due to the fact that most of the service in that district has been installed since the promulgation of the order of the Postmaster-General, effective October 1, 1902, requiring patrons of rural delivery to provide themselves with approved boxes. The office of Big Sandy, Benton County, Tenn., to which reference is made above, is in the Eighth district of Tennessee.

It should be added that there are no objections on the part of the Post-Office Department to patrons of rural delivery having boxes made to order, as under existing regulations an individual may have his box made to order, provided it conforms to the specifications, and in order to facilitate approval of such boxes for the rural delivery service the Postmaster-General has for some weeks been considering a proposition which contemplates a modification of existing regulations, so that in such case a patron may readily secure the approval of a box manufactured to order by submitting it to the postmaster at the post-office located at the county seat, who, if he finds that the box conforms to the regulations, may certify the same to the Department and authorize the owner to indicate thereon that it is "approved by the Postmaster-General."

Very respectfully,

GEO. B. CORTELYOU,
Postmaster-General.

Hon. T. W. SIMS,
House of Representatives.

Mr. Chairman, I have the honor to represent the Eighth district of Tennessee, referred to in the letter just read. In the speech referred to I had denied that the conditions referred to in a former statement from the Post-Office Department, then read by me, existed in my district. I said further that even the negroes of my district had more pride than to be guilty of what was charged as to the character of boxes in use. No doubt the clerks of the Department made a careful examination as to my district, and the above report from the postmaster at Big Sandy, a town in my district, was all that could be found. I have traveled all over my district in a vehicle, and at no place have I ever seen a wooden rural box in use, while such boxes are in use on star routes and are giving as good satisfaction as the metal boxes for which our friends in the Post-Office Department seem to have an almost fanatical fondness.

After receiving the letter just read from the honorable Postmaster-General I wrote to the honorable Fourth Assistant Postmaster-General, asking when the rural routes from Big Sandy, Tenn., were established, and received the following reply:

POST-OFFICE DEPARTMENT,
OFFICE OF THE FOURTH ASSISTANT POSTMASTER-GENERAL,
Washington, June 22, 1906.

Hon. T. W. SIMS,
House of Representatives.

SIR: Replying to your letter of June 19, you will find below the dates upon which the rural routes from Big Sandy, Benton County, Tenn., were established:

Route No. 1, established November 2, 1903.
Route No. 2, established November 2, 1903.
Route No. 3, established November 2, 1903.
Route No. 4, established September 1, 1904.

Very respectfully,

P. V. DE GRAW,
Fourth Assistant Postmaster-General.

It will be seen that three of the routes at Big Sandy were established November 2, 1903, and one September 1, 1904—three of them almost at the close of 1903 and one in latter part of 1904. At those dates wooden boxes were not permitted to be used on rural routes, and rural carriers at those dates were not permitted to put mail in wooden boxes. Notwithstanding, as appears from the letter of the Postmaster-General just read, "At Big Sandy, Tenn., a large list of patrons maintaining poor wooden boxes was reported, with statement from the postmaster, dated October 31, 1905, that all the wooden boxes in use on the four routes from that office were poor, being such boxes as the patrons could pick up, and none of them safe or waterproof." If those routes had beeen established before the Post-Office Department had made an order that none but approved boxes be used it would seem reasonable that the statement might be correct, but as none of these routes were established until November 1, 1903, more than a year after the order of the Postmaster-General of October 1, 1902, requiring all patrons of rural routes to provide themselves with approved boxes, I do not hesitate to say that I do not believe the report. I challenge its truth upon what appears to me to be good and sufficient grounds, and demand an investigation; and if the report is false—as I believe it is—I demand that the postmaster, inspector, or whoever made it be discharged from the public service.

Mr. Chairman, I do not know whether it is known to the Postmaster-General or not, but it is a fact, that at least some of the inspectors and special agents sent out to look over these rural routes seem to be imbued with a spirit of enmity to the rural service; that they have almost a supreme contempt for poor people who reside in dwellings not altogether as good as these gentlemen would have them. They act in a way to magnify their self-assumed authority. They often make very unbecoming remarks about the roads and the people. These lofty gentlemen do not have to travel the roads often, and if the carriers are willing, for the salary they receive, to perform their duties and travel the roads as they find them, and deliver the mails on schedule time, I can not see why these Department officials want to deprive these good people of this service, who pay the taxes and who, of all people, stand most in need of free rural mail delivery.

I find that these inspectors often use the most unbecoming language and make all sorts of threats as to what they will do with the service if their views are not adopted by the patrons. I often find that both patrons and carriers are afraid to make reports of this bad conduct for fear the routes will be discontinued. I often get letters from people I know, that are reputable and truthful, telling of these things, but always say to keep the matter quiet, and ask me to do what I can to retain the routes in service. I am in receipt of such a letter of the 19th of this month, and will read it, leaving out names of persons and places:

———, TENN., *June 19, 1906.*

Hon. T. W. SIMS, *Washington, D. C.*

DEAR MR. SIMS: We have had with us a Mr. ———, route inspector, who has heretofore been connected with the Chicago territory.

He stated to my patrons that they would not be served unless they provided approved boxes, and so advised me. He also said that he guessed he would discontinue the service. Patrons do not wish to be at the expense of buying boxes and then lose the service, so they do not know what to do. The said Mr. ——— was very disrespectful of the South. He said that colored ladies were just as worthy a smile and tip of the hat as white ones, and insisted that carriers show them that respect. He was very disagreeable to ride with. We shall be glad if you will send us a true gentleman to inspect our routes, and then we will be contented with his disposition of same.

Very respectfully,

——— ———, *R. M. C.*

P. S.—Please keep my name confidential.

This letter is from a carrier on a rural route in my district. He is a truthful man, but he is afraid if his name be given he will lose his place. I have often received letters like this, but of course never filed them, as the writers were afraid they might lose the service altogether. I am going to insist on the gentleman who wrote the letter just read to permit me to give his name and that of the inspector to the Postmaster-General. I do not believe for a moment that any such conduct would be upheld by the postal authorities. I think he would be promptly removed from the public service, as he ought to be. What right has a postal official from the North or elsewhere to go down South on official duties and instead of attending to such duties to engage in a lecture to a rural carrier on his social duties and attentions to negro women—advising and directing an educated and gentlemanly white man carrying the mails to tip his hat and smile to "colored ladies." No wonder that such a man as this finds fault with the rural service, complains of the roads and lack of boxes. He is so enraged because the rural carrier with whom he had the honor to ride was not tipping his hat and smiling at all the negro women he chanced to meet that he threatened to discontinue the service.

Mr. Chairman, if patrons were permitted to put up boxes of either wood or metal, subject to such rules and regulations as the Department may prescribe as to size, convenience to road, weatherproof, etc., we will be rid of the expense of paying a lot of self-opinionated, stuck-up inspectors for going over the country putting in their time smiling and tipping their hats at negro women and teaching rural carriers to do the same. The carriers, being sworn officials of the Post-Office Department, can report either to the Post-Office Department direct or to the postmaster at the emanating office as to whether or not patrons are complying with the rules and regulations of the Post-Office Department, and do it just as well as a high-salaried inspector, and save all the expense of the travel of the inspector, and thus reducing the number of inspectors.

If we keep on as we have been going in the last few years we will have more inspectors of one kind or another than we have men in the Regular Army and costing as much or more money to maintain them. I think it is time to get rid of some of this army of useless inspectors, and by permitting patrons of rural routes to put up just such boxes of either wood or metal as serves the purpose for which they are used, subject to the rules and regulations of the Post-Office Department, and all inspection of same to be made by the carriers on the routes without additional compensation, we will get rid of the expense of maintaining a great number of inspectors now being used in this way, and so far as results go we will be just as well off, if not better.

From the letter of the Postmaster-General read at the beginning of my remarks it appears that he is now considering a change in existing regulations so as to permit patrons to put

up boxes to order by having them approved by the postmaster at the county seat. This is a step in the right direction, but I hope he will abandon the idea of requiring approval by the postmaster at the county seat. If it is thought necessary to have the approval of a postmaster, why not let the postmaster at each emanating office approve the boxes for the routes from that office? My plan is to have the carriers on each route approve, or rather disapprove. I would have the carrier report on cases where the regulations were not complied with only, going on the presumption that patrons will comply with the regulations and reporting only those who do not, either to the postmaster at the emanating office or to the Department. If all the routes in a county started from the county seat, then it would be practical and convenient to have the boxes approved by the postmaster at the county seat. But in fact many more routes emanate from offices other than the county seat than do from the county seat. In many cases patrons would have to carry their boxes 20 miles in order to have them approved by the postmaster at the county seat. This seems to me to be an unnecessary and unwarranted inconvenience to the patron.

We had just as well go to the most practical common-sense methods at once, as we will in the end do this very thing. The so-called "common people" have an idea that they know a few things themselves, and they will not readily submit to the long-continued use of red-tape circumlocution office methods. I hope the Postmaster-General will not draw the line on the use of good, well-constructed wooden boxes when he makes his contemplated change in existing regulations. In my district there is an abundance of good, cheap lumber, and it is both cheaper and more convenient to use wood than metal. In my State a good wooden shingle roof will last eight or ten years, often much longer, without paint or repair. They in fact last much longer and require painting much less than any kind of a metal roof. The same will be true as to good wooden mail boxes. They will last much longer and be just as good and weatherproof as metal boxes and can be manufactured much cheaper. Then why require patrons to use metal? There are no real valid reasons why wood should not be used, and others can only be surmised.

Mr. Chairman, wood was used ages before metal by primitive man. The human race as well as the animals of earth and fowls of the air were saved from utter extinction by a wooden box. This box was water and weather proof, as shown by its remaining in perfect condition and afloat during the longest spell of rainy weather and highest waters ever known, according to sacred history. The Son of God was born in a wooden house, laid in a wooden receptacle, and died on a wooden cross; and yet it is claimed by the Post-Office Department that a wooden rural mail box is not good enough for a simple American citizen to use as a receptacle in which to receive a postal card or a county newspaper.

Mr. GAINES of Tennessee. Mr. Speaker, I would like to ask the gentleman from Indiana a question. Is there any provision in this bill permitting the transmission of silver and other coins, of bonds, etc., as provided in the bill reported yesterday by the gentleman from Minnesota [Mr. TAWNEY] so as to relieve the Treasury of the expense of the express charges which are so oppressive?

Mr. OVERSTREET. There is no reference to that in this bill.

Mr. GAINES of Tennessee. The gentleman has not introduced or reported any such bill.

Mr. OVERSTREET. There is no such bill before the Committee on the Post-Office and Post-Roads. I move the adoption of the report.

The SPEAKER. The question is on the adoption of the conference report.

The question was taken; and the conference report was agreed to.

OSAGE INDIANS IN OKLAHOMA TERRITORY.

Mr. CURTIS. Mr. Speaker, I call up the conference report on the Osage allotment bill.

The SPEAKER. The gentleman from Kansas calls up a conference report on the bill the title of which the Clerk will report.

The Clerk read as follows:

H. R. 15373. An act for the division of the lands and funds of the Osage Indians in Oklahoma Territory, and for other purposes.

Mr. CURTIS. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Kansas asks unanimous consent that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15333) entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma Territory, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 11 and 24.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, and 37; and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Strike out the words inserted by the Senate, restore the matter stricken out, and insert, after "members," "subject to the approval of the Secretary of the Interior;" and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Following the word "Oklahoma," in said amendment, insert: "*Provided*, That the surplus lands shall be nontaxable for the period of three years from the approval of this act, except where certificates of competency are issued or in case of the death of the allottee, unless otherwise provided by Congress; and;" and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: Strike out the word "ten" and insert "forty;" and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: Strike out the word "ten" and insert "forty;" and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the matter stricken out by the Senate amendment insert: "*And provided further*, That no mining of or prospecting for any of said mineral or minerals shall be permitted on the homestead selections herein provided for without the written consent of the Secretary of the Interior: *Provided, however*, That nothing herein contained shall be construed as affecting any valid existing lease or contract;" and the Senate agree to the same.

J. S. SHERMAN,
CHARLES CURTIS,
WM. T. ZENOR,
Managers on the part of the House.
CHESTER I. LONG,
WM. J. STONE,
MOSES E. CLAPP,
Managers on the part of the Senate.

The statement was read, as follows:

STATEMENT.

Statement of the managers on the part of the House on the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15333) entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma Territory, and for other purposes."

The House recedes from its disagreements to amendments 1, 2, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, and 37.

The Senate recedes from its amendments Nos. 11 and 24.

The House agrees to the Senate amendments Nos. 3, 12, 13, 14, and 18, with amendments.

Amendment No. 1 authorizes the Secretary of the Interior to pass upon applications for enrollment which are pending at the date of the approval of this act.

Amendment No. 2 strikes out the provision in reference to the list of names, which is fully provided for in another part of the bill.

Amendment No. 3 provides for the allotment of lands to those who fail to make their own selections by the United States Indian agent, subject to the approval of the Secretary of the Interior.

Amendment No. 4 is substantially the same in reference to lands selected by minors.

Amendments Nos. 5, 6, 11, and 12 are in reference to the taxation of the surplus lands of the Osage Indians. The amendments as finally agreed upon by the conference committee provide that the surplus lands shall be exempt from taxation for a period of three years except where certificates of competency are issued or in case of the death of the allottee and unless otherwise provided by Congress. Your managers thought this was the best disposition to make of the amendment of the Senate.

Amendments Nos. 8 and 9 change the manner of making the appointment of the commission which is to supervise the selection and the division of the lands. As amended, the tribe is given one member of the commission, while the other two are to be appointed by the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior.

Amendment No. 10 is a change of phraseology.

Amendments Nos. 13 and 14 change the amount of land which certain persons owning improvements are permitted to buy from 10 to 40 acres.

Amendment No. 15 requires the appraisement of the townsite commission to be approved by the Secretary of the Interior.

Amendment No. 16 limits the House provision which continued the provisions of the appropriation act for the year 1906 to the pages of said act which apply to the Osage Reservation.

Amendment No. 17 is a change of phraseology.

Amendment No. 18 prohibits any mining or prospecting for minerals upon the homestead of any of the Indians without the approval of the Secretary of the Interior, but provision is made that nothing in said item shall be construed as affecting any valid or existing lease or contract.

Amendment No. 19 is a change of phraseology.

Amendment No. 20 strikes out section 5, which is made unnecessary by an amendment which was agreed to when the bill passed the House, but by oversight section 5 was retained in the bill.

Amendments Nos. 21, 23, 25, 28, 30, 34, 35, and 36 simply changes the numbering of the sections.

Amendment No. 22 is a change of phraseology.

Amendment No. 26 gives the right to parties to whom lands are set aside for their sole use and benefit, not only to control the lands, but also the proceeds thereof.

Amendment No. 27 provides that leases given on lands for the benefit of individual members of the tribe shall be subject to the approval of the Secretary of the Interior.

Amendment No. 29 strikes out the section creating a county out of the Osage Indian Reservation, as this has been already provided for in the statehood bill.

Amendment No. 31 makes it unnecessary for a new election to be held this year. As the tribe has just had an election, it was thought to be unnecessary to require another before 1908.

Amendment No. 32 is made necessary by amendment 31, and changes the word "six" to "eight."

Amendment No. 33 authorizes the Secretary of the Interior to remove any member of the council for good cause.

Amendment No. 37 strikes out section 15, which provided for the ratification of the act by a vote of the members of the tribe. This was deemed unnecessary, as the tribe has already virtually voted upon the act, and it has been an issue among the members for a number of years, and at the election in 1905 the tribe was almost unanimous for the measure.

Your managers recommend the adoption of the report.

J. S. SHERMAN,
CHARLES CURTIS,
WM. T. ZENOR,
Managers on the part of the House.

Mr. CURTIS. Mr. Speaker, I ask for the adoption of the report.

The SPEAKER. The gentleman from Kansas moves to agree to the conference report.

The question was taken; and the conference report was agreed to.

On motion of Mr. CURTIS, a motion to reconsider the vote was laid on the table.

LANDS OF THE MENOMINEE INDIANS, WISCONSIN.

Mr. SHERMAN. Mr. Speaker, I desire to call up the conference report on the Menominee Indian bill, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from New York calls up the conference report on the bill indicated, and asks unanimous consent that the statement may be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 13372) to authorize the sale of timber on certain of the lands reserved for the use of the Menominee tribe of Indians, in the State of Wisconsin.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13372) to authorize the sale of timber on certain of the lands reserved for the use of the Menominee tribe of Indians, in the State of Wisconsin, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In the forty-eighth line strike out "five" and insert "four;" and the Senate agree to the same.

J. S. SHERMAN,
CHARLES CURTIS,
WM. T. ZENOR,
Managers on the part of the House.

ROBERT M. LA FOLLETTE,
ROBERT J. GAMBLE,
WM. J. STONE,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The Senate struck out all of said bill after the enacting clause and inserted in lieu thereof a provision in reference to the sale and disposition of the dead and down timber upon the territory named in the bill, the Senate's provision being that this cutting should be done through the instrumentality of the business men's committee of the Menominee tribe, and the sales should be made under the direction of the Secretary of the Interior. The money necessary for carrying on the cutting, measuring, and disposal of the timber was paid for out of the Menominee fund in the Treasury, the sale to be under the direction of the Secretary of the Interior, and the proceeds to be used first to reimburse the Menominee fund in the Treasury and thereafter one-fifth of the net proceeds to be disbursed by the Secretary for the benefit of the Indians, and the other four-fifths to be deposited in the Treasury for the benefit of said Indians and to draw 5 per cent interest.

The House agrees in this amendment amended so as to provide that the fund deposited in the Treasury should draw 4 per cent interest rather than 5.

J. S. SHERMAN,
CHAS. CURTIS,
WM. T. ZENOR,
Managers on the part of the House.

Mr. SHERMAN. Mr. Speaker, I move the adoption of the report.

The question was taken; and the conference report was adopted.

On motion of Mr. SHERMAN, a motion to reconsider the vote was laid on the table.

PURE-FOOD BILL.

The SPEAKER. Under the special order the House is in the Committee of the Whole House on the state of the Union for the further consideration of the pure-food bill, and the gentleman from New Hampshire [Mr. CURRIER] will take the chair.

Mr. CURRIER took the chair.

Mr. MANN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend page 16, line 5, by striking out the word "all" and inserting in lieu thereof "any of."

Mr. MANN. Mr. Chairman, that amendment is offered at the suggestion of the gentleman from Missouri [Mr. DE ARMOND] to correct what might be an ambiguity in the text. I ask for a vote.

Mr. KEIFER. Do I understand the gentleman has concluded offering amendments at the instance of the committee?

Mr. MANN. Well, I have another amendment to offer at the instance of the committee, I will say to the gentleman.

Mr. KEIFER. I just wanted to be sure about that.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

Mr. MANN. I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend page 27 by adding at the end of section 15: "The word 'person' as used in this act, shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies, and associations. When construing and enforcing the provisions of this act the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association within the scope of his employment or office shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association, as well as that of the person."

Mr. MANN. Mr. Chairman, that amendment simply defines the word "person" in the act, so as to include corporations, companies, associations, etc., and also that the officer, agent, or other person acting for the corporation shall be guilty within the scope of his employment as well as the corporation itself.

Mr. BARTLETT. Mr. Chairman, I desire to ask the gentleman to inform me what part of the bill this amendment proposes to amend?

Mr. MANN. This is to amend at the end of section 17; to insert at the end of section 15, page 27.

Mr. BARTLETT. May I ask to have the amendment read again?

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection.

The amendment was again reported.

Mr. BARTLETT. Mr. Chairman, the gentleman from Illinois [Mr. MANN] has just offered an amendment which proposes to extend the scope of this bill in the way of creating additional objects for criminal prosecution in the Federal courts. While very innocent looking, this amendment will furnish full opportunity for the hundreds of inspectors and spies that are to be employed under this act to harass, annoy, and persecute the people of this country.

Mr. Chairman, I oppose this amendment, because it is an effort on the part of the General Government to undertake to enforce police laws, a power which the General Government does not possess except in the District of Columbia and the Territories; and in those portions of the territory of the United States over which the States have exclusive jurisdiction the United States has no police power to be exercised in the States. Of course, what I say in reference to that may with equal force be applied to the main provisions of this bill, and, in fact, might be applied to the entire bill, except that part of the bill which proposes to make crimes and offenses in the District of Columbia and the Territories.

Congress has no power or authority to seek to enforce police regulations within the States; the duty of protecting all its citizens in the enjoyment of equality of rights; to impose restraints and burdens upon persons and property in the conservation of public health, good order, and prosperity was originally assumed by the States, and it remains there; it always belongs to the States; this power of the States was not surrendered to the General Government, and is essentially exclusive in the States.

The views of the minority of the Committee on Interstate and Foreign Commerce of this House were presented by myself on March 14 last, and have been printed in the RECORD of yesterday. In those views I have collected and cited the numerous decisions of the Supreme Court of the United States, and quoted in full from those which fully sustain the propositions I have stated. This bill, as it comes from the committee, is based upon the idea that because the police laws of the States may not be satisfactory, or because they may not be forced to the satisfaction of all, therefore the Congress of the United States should invade the States and do that which, up to this hour, it has never been able to do—enact laws to prevent frauds, impositions, and adulterations of foods in the States; a power which Congress does not possess, never possessed, and one that this act will prove futile to establish. This duty belongs exclusively to the States, and from the evidence produced before our committee the States are performing this duty efficiently, and those who chiefly seek this legislation are the food manufacturers who have been compelled to obey the State laws on the subject of pure food. These manufacturers clamor for a national law which shall be "uniform," and which will permit them to override and annul the various State laws on this subject. I do not believe that Congress can so legislate as to prevent the States from protecting the people of the States from frauds or imposition in the matter of foods, and being of that opinion I can not support this bill.

That I may not be regarded as having made a statement which is unsupported by authority, I will call attention to some of the decisions of the Supreme Court of the United States.

In the case of The Mayor and Aldermen of New York *v.* Miln (11 Peters, U. S. R.) the Supreme Court of the United States declare in no uncertain terms what the powers of the States are in reference to the subjects embraced in this bill, and used the following language:

A State has the same undeniable and unlimited jurisdiction over all persons and things within its territorial limits as any foreign nation, when that jurisdiction is not surrendered or restrained by the Constitution of the United States.

It is not only the right but the bounden and solemn duty of a State to advance the safety, happiness, and prosperity of its people and to provide for its general welfare by any and every act of legislation which it may deem conducive to these ends when the powers over the particular subject or the manner of its exercise are not surrendered or restrained by the Constitution of the United States.

All those powers which relate to merely municipal legislation, or which may be more properly called internal police, are not surrendered or restrained, and consequently in relation to these the authority of the State is complete, unqualified, and exclusive.

In the opinion rendered by Judge Barbour the statement is made that these positions are considered "as impregnable." In defining what is meant by the "police powers" of the State the court said:

Every law came within this description which concerned the welfare of the whole people of a State or any individual within it, whether it related to their rights or duties; whether it respected them as men, or as citizens of the State; whether in their public or private relations; whether it related to the rights of persons or of property of the whole people of a State or of any individual within it, and whose operation was within the territorial limits of the State, and upon the persons and things within its jurisdiction. * * *

In the case of United States *v.* De Witt, 9 Wallace U. S., pp. 41–45, the Supreme Court, in an opinion rendered by Chief Justice Chase, said:

As a police regulation, relating exclusively to the internal trade of the States, it can only have effect where the legislative authority of Congress excludes, territorially, all State legislation, as, for example, in the District of Columbia. Within State limits it can have no constitutional operation. This has been so frequently declared by this court, results so obviously from the terms of the Constitution, and has been so fully explained and supported on former occasions (License cases, 5 How., 504; Passenger cases, 7 How., 283; License Tax cases, 5 Wall., 470—72 U. S., XVIII, 500—and the cases cited), that we think it unnecessary to enter again upon the discussion.

But it is claimed that the Congress has the power to enact this legislation under the "commerce clause" of the Constitution. The Congress does not derive any power to enact police laws within the States from this section of the Constitution. Many cases have been decided by the Supreme Court of the United States on this subject. I will call attention to only two which in my judgment are conclusive on this subject.

The first is the case of Plumley *v.* Massachusetts (155 U. S., p. 461). The opinion of the court was delivered by Justice Harlan, in which there was a dissenting opinion read by the Chief Justice, Justice Field, and Justice Brewer.

I quote from the opinion:

If there be any subject over which it would seem the States ought to have plenary control, and the power to legislate in respect to which it ought not to be supposed was intended to be surrendered to the General Government, it is the protection of the people against fraud and deception in the sale of food products. Such legislation may, indeed, indirectly or incidentally affect trade in such products transported from one State to another State.

But that circumstance does not show that laws of the character alluded to are inconsistent with the power of Congress to regulate commerce among the States. For, as said by this court in Sherlock *v.* Alling (93 U. S., 99, 103): "In conferring upon Congress the regulation of commerce it was never intended to cut the States off from legislating on all subjects relating to the health, life, and safety of their citizens, though the legislation might indirectly affect the commerce of the country. Legislation, in a great variety of ways, may affect commerce and persons engaged in it without constituting a regulation of it within the meaning of the Constitution. And it may be said generally that the legislation of the State not directed against commerce or any of its regulations, but relating to the rights, duties, and liabilities of citizens, and only indirectly and remotely affecting the operations of commerce, is of obligatory force upon citizens within its territorial jurisdiction, whether on land or water, or engaged in commerce, foreign or interstate, or in any other pursuit."

In the case of Crossman *v.* Lurman (192 U. S.) the Supreme Court of the United States, without dissent from any judge, while Chief Justice Fuller and Justice Brewer were still upon the bench and participated in the hearing and decision, upheld the case of Plumley *v.* Massachusetts (155 U. S.).

In the opinion we find the following:

The power of the State to impose restraints and burdens upon persons and property in the conservation of the public health, good order, and prosperity is a power originally and always belonging to the States, not surrendered by them to the General Government, nor directly restrained by the Constitution of the United States, and essentially exclusive. It is not to be doubted that the power to make the ordinary regulations of police remains with the individual States, and can not be assumed by the National Government.

The court also said:

that legislation forbidding the sale of deceitful imitations of articles of food among the people does not abridge any privilege secured to citizens of the United States, nor in a just sense interfere with the freedom of commerce among the several States. It is legislation which can be most advantageously exercised by the States themselves.

The court cite the Plumley case with approval, and said:

Indeed, every contention here urged to show that the law of New York is repugnant to the Constitution of the United States was fully and expressly considered and negatived by the decision of this court in Plumley *v.* Massachusetts, supra. In that case the law of the State of Massachusetts forbidding the sale of oleomargarine, which was artificially colored, was applied to a sale in Massachusetts of an original package of that article which had been manufactured in and shipped from the State of Illinois. In the course of a full review of the previous cases relating to the subject, it was said, page 472:

"If there be any subject over which it would seem the States ought to have plenary control, and the power to legislate in respect to which it ought not to be supposed was intended to be surrendered to the General Government, it is the protection of the people against fraud and deception in the sale of food products. Such legislation may, indeed, indirectly or incidentally affect trade in such products transported from one State to another State. But that circumstance does not show that laws of the character alluded to are inconsistent with the powers of Congress to regulate commerce among the States. For, as said by this court in Sherlock *v.* Alling (93 U. S., 99, 103): 'In conferring upon Congress the regulation of commerce it was never intended to cut the States off from legislating on all subjects relating to the health, life, and safety of their citizens, though the legislation might indirectly affect the commerce of the country. Legislation, in a great variety of ways, may affect commerce and persons engaged in it without constituting a regulation of it within the meaning of the Constitution.

"'And it may be said generally that the legislation of a State not directed against commerce or any of its regulations, but relating to the rights, duties, and liabilities of citizens, and only indirectly and remotely affecting the operations of commerce, is of obligatory force upon citizens within its territorial jurisdiction, whether on land or water, or engaged in commerce, foreign or interstate, or in any other pursuit.'"

Again it was said, page 478:

"And yet it is supposed that the owners of a compound which has been put in a condition to cheat the public into believing that it is a particular article of food in daily use and eagerly sought by people in every condition of life are protected by the Constitution in making a sale of it against the will of the State in which it is offered for sale, because of the circumstance that it is an original package and has become a subject of ordinary traffic. We are unwilling to accept this view. We are of opinion that it is within the power of a State to exclude from its market any compound manufactured in another State which has been artificially colored or adulterated so as to cause it to look like an article of food in general use, and the sale of which may, by reason of such coloration or adulteration, cheat the general public into purchasing that which they may not intend to buy. The Constitution of the United States does not secure to anyone the privilege of defrauding the public."

Most of the States have enacted pure-food laws and enforce them. There is no necessity existing, even if the plea of necessity could justify Congress in endeavoring to enact police laws for the States.

As proof of this assertion I call attention to the testimony before the committee on that subject. I quote from the hearings:

Mr. BARTLETT. Most of the States, if not all, have what they call pure-food laws, and most of them have commissioners—how many of the States?

Doctor WILEY. Nearly all the States have food laws, and about twenty, or perhaps a few more, of them have provided for the enforcement of those laws. The others are just laws without any methods of enforcement; and, in so far as I know, in those States the laws are not enforced. But where the law provides for a machinery to enforce the law, in most States it is enforced very rigidly. That is all brought out in this statement.

Mr. BARTLETT. That is what I want. So you say that where they have adopted these food laws and appointed food commissioners or officers to watch the enforcement of them, they are enforced very properly?

Doctor WILEY. Yes; very efficiently, as far as the State can go. And I will say this, Mr. Chairman, that in every State, I believe, where the an act of the legislature, I believe in every other case these standards have been adopted by the food commissioners in toto.

This witness is the Chief of the Bureau of Chemistry of the Department of Agriculture and has had more influence in bringing about this legislation probably than any one man, he in fact aiding in drafting the House bill we are now considering.

Mr. Chairman, I am not authorized to speak for any other State, but I do know that the State of Georgia has enacted laws for the protection of her people in the matter of foods; and I assert that we have enforced those laws in the past and will continue to do so in the future without the assistance, interference, or aid of the Federal Government. We claim the right reserved to our State to protect the health of the people of Georgia by our own State laws and to enforce those laws in our own courts against everyone whether they be citizens of the State or whether they reside in other States. On another occasion I referred to the laws of Georgia on this subject, and I now repeat what I then said:

The State of Georgia has a number of laws upon her statute books in the interest of pure food and against the selling of falsely branded goods, adulterated goods, or impure food.

These laws can be found, commencing with section 456 of the Criminal Code of Georgia, of 1895, in article 16 down to and including section 486 of article 17.

It may not be amiss to call attention to some of these provisions in the Georgia Code.

Section 456 prohibits the sale or offering for sale of any unclean, impure, unwholesome, or adulterated milk.

Sections 457, 458, and 459 prohibit the sale of imitations of butter and cheese as butter and cheese.

Sections 459 to 465 prohibit the sale of any article designed to be used as a substitute for food products, except as they shall be marked and branded as such substitutes.

Sections 446 to 468 punish the sale of unwholesome provisions, unwholesome bread, drink, or pernicious and adulterated liquor.

And it is made the duty of the grand juries in the several counties to specially inquire into all the violations of these laws and make presentments against the violators of these laws.

The whole of article 17, containing section 470 and sections following to 484, inclusive, prohibits the sale of adulterated and impure drugs, and prescribes penalties for the violations of these provisions.

Upon an investigation of these laws of Georgia, as contained in these sections, it will be seen that the State of Georgia has made ample provision for the protection of its people from imposition and injury from the sale of impure food, adulterated food, food products, and adulterated drugs. The grand juries of the State courts in Georgia are intelligent and upright men, and can be depended upon to indict violators of the law; and the trial juries are intelligent and honest, and as efficient in the enforcement of the law as the juries in the Federal courts. So far as Georgia is concerned there is no necessity for this bill.

Mr. Chairman, I had intended when this bill was up for general debate, had I been present, to undertake, even though it might have been a futile and useless undertaking, to call the attention of the House to the reasons why the bill should not become a law, except as it may affect the District of Columbia, the Territories, and those places over which the United States has exclusive jurisdiction. I was absent necessarily. I do not intend now, even if the committee was kind and gracious enough to permit me to do so, at his stage of the session or this stage of the consideration of this bill to detain the committee with those views. I have very decided views upon the subject. I have undertaken to put them in the minority report that was presented, and the House has had them printed. Even at the risk, Mr. Chairman, of being laughed at or scoffed at for making the statement that many of the provisions of this bill in my judgment violate the fundamental law of the land, I will repeat that statement, which I have endeavored to sustain by the decisions of the courts, even at the risk of being criticised and held up to the House and the country as a constitutional lawyer, a claim which I nowise make—I will insist that this bill violates the Constitution of the United States. But I console myself, Mr. Chairman, when that criticism is made upon those of us who assert that the Congress of the United States can and does, and has many times enacted laws——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT. Mr. Chairman, I ask for five minutes more.

Mr. ADAMSON. Mr. Chairman, I ask that the gentleman may have permission to conclude his remarks.

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] asks that his colleague [Mr. BARTLETT] may have time to conclude his remarks. Is there objection?

Mr. PAYNE. There are other important amendments, and we have to debate some of them. I object.

Mr. ADAMSON. Mr. Chairman, then I ask that my colleague may have fifteen minutes.

Mr. BARTLETT. No, sir; I am a member of this committee which reported this bill. I do not ask any indulgence. I was absent from the general debate necessarily—the first time I have been absent from the House in years.

Mr. ADAMSON. Mr. Chairman, I think the gentleman ought to have time.

Mr. KEIFER. Mr. Chairman, it is outside of the limitation of time.

Mr. BARTLETT. I do not desire any indulgence either from the gentleman from Ohio [Mr. KEIFER] or the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Chairman, I ask that the gentleman have five minutes.

The CHAIRMAN. The Chair would state that at ten minutes of 4 o'clock the committee must rise and report the bill to the House.

Mr. MANN. Mr. Chairman, I will ask the gentleman from Georgia how much time he desires.

Mr. ADAMSON. Will the gentleman from Illinois [Mr. MANN] allow me one suggestion?

Mr. BARTLETT. I will consume but five minutes more.

Mr. MANN. Mr. Chairman, I move that the gentleman from Georgia may have ten minutes.

Mr. BARTLETT. I want but five minutes.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the gentleman from Georgia may have five minutes. Is there objection?

There was no objection.

Mr. BARTLETT. Mr. Chairman, I have served some years in this House. I have never been absent in a debate on any great question, or any question at all, at any time, except when it is impossible for me by reason of physical disability of some kind to be here. And I appreciate the courtesy of my friend from Illinois [Mr. MANN] who asked permission for me to speak for five minutes longer, and I appreciate the courtesy of the gentleman from New York [Mr. PAYNE] who has objected.

Mr. Chairman, as I started to say, it does not affright me at all because gentlemen may criticise those of us who stand up and assert that the United States Congress has its powers limited by the Constitution and that there is legislation it can not enact. Those who occupy the position of critics and carpers at us who thus believe, and who criticise us as constitutional lawyers, do not affect my opinions. I might retort, Mr. Chairman, that some of those who make those assertions are neither constitutional lawyers nor any other kind of lawyer. [Applause on the Democratic side.] But, Mr. Chairman, fortified as I am, or as I believe I am, in my opposition to some of the provisions of this bill by the decisions of the Supreme Court of the United States, I make bold to place my feeble opinion and vote against the current of hysteria which seems to be sweeping all over the country and which has for its purpose in its wild moments the destruction absolutely of the powers of the State governments and of all government except that asserted to be possessed by the United States Congress; and I shall oppose this endeavor, unlawfully as I maintain, to carry out that purpose to centralize all power in the Federal Government.

I hold in my hands the decisions of the court in reference to the subject of food and food products, in reference to the power of the States to protect the health of the States and the morals of the people of the States; which declare that the States are supreme and no power of Congress can take away that supremacy or destroy it; nor can Congress assume to enact and enforce within the States laws which are solely the exercise of the police powers. The General Government has no police power within the States, and all efforts to confer such power must fail, else we have arrived at that period in the history of this confederated Republic when all power has been federalized in one single government, when the old-time idea of independent and sovereign States are but a memory of the past.

For myself I do not desire to interfere or to take them away, these rights of the States, and I will not be found joining with those who desire to destroy them.

Before I conclude I want to call the attention of this House to a statement made by the Speaker of this House in a speech delivered by him at the beginning of this year to a Republican club in the city of Philadelphia. Coming from the sage statesman who fills that chair, a man of long experience in public affairs and in this House, I desire to put it in the RECORD so that the country may know the views that he has upon this subject and the efforts now being made to centralize all power in the Federal Government. I quote from that speech. Said Mr. CANNON:

REPUBLIC'S GREATEST DANGER.

In my judgment the greatest danger to the Republic comes from the citizen who refuses or neglects to participate in governing in local, State, and national affairs and seeks protection from the government to which he does not contribute according to his ability or means. In my judgment the danger now to us is not the weakening of the Federal Government, but rather the failure of the forty-five sovereign States to exercise, respectively, their function, their jurisdiction, touching all matters not granted to the Federal Government. This danger does not come from the desire of the Federal Government to grasp power not conferred by the Constitution, but rather from the desire of citizens of the respective States to cast upon the Federal Government the responsibility and duty that they should perform.

If the Federal Government continues to centralize we will soon find that we will have a vast bureaucratic government, which will prove inefficient if not corrupt. [Loud applause.]

I commend the wise words of our distinguished presiding officer to Republicans and Democrats alike. Let us aid him in halting the onward march to centralization and bureaucracy—let us preserve our Republic from inefficiency and corruption.

In vain will those who assert the doctrine search the pages of the Constitution find one word that authorizes the Congress of the United States to exercise police powers within the domain of the State. Equally futile will be the effort to find a decision to authorize it.

Mr. Chairman, the States of this Union, the most of them, have enacted pure-food laws, and they enforce them, at least to the satisfaction of their citizens. From the evidence before the Committee of Interstate and Foreign Commerce, of which I am a member, it appears these laws are being enforced in the States; and to the States under the Constitution is granted the power, and not to the General Government, to protect its people in its health, its morals, and general welfare. Against the prostitution of the Constitution which would rob the States of this power, or usurp it, I enter my sincere and earnest protest. [Loud applause.]

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. BARTLETT. Mr. Chairman, I ask permission to extend my remarks in the RECORD.

There was no objection.

Mr. HINSHAW. Mr. Chairman, we have in our State a law on the subject of food, but it is not a very perfect statute. The history of the country and all our experience to-day shows that Federal supervision of all matters that pertain to the entire people of the country and to all the States is far superior in its efficiency to any single State supervision. It is the experience in our own State, where we have a food commissioner, whose duties are largely to attend to the sanitary conditions of butter and cheese, cider, and a few other products. Our food commissioner recently issued a bulletin. After an examination of forty-five different products, he found that only twenty of the products which he examined were pure, the other twenty-five being adulterated. In his bulletin Mr. Redfern, our food commissioner, says:

Particular attention has been paid to the spices found on the market.

I was interested in the statement of the gentleman from Illinois on the subject of spices the other day.

The Omaha World-Herald says:

Twenty pure food products have been discovered by Deputy Food Commissioner Redfern in the forty-five samples he has analyzed during the last three months. The other twenty-five samples were found to be adulterated and colored with such delectable substances as gypsum, sulphites, borax, glucose, coal tar, saccharine, and aniline dyes. The following is Mr. Redfern's bulletin:

"In the present bulletin of the commission some attention has been paid to the condition of spices found on the market. It is surprising that gypsum is used in such large quantities as an adulterant; in one case as much as 16 per cent was used. Ginger and cayenne pepper seem to have more of this inert substance added to them than any of the other spices. Turmeric, one of the ingredients of curry powder, is nearly always used with gypsum in gingers, owing to the fact that its intense yellow color will hide the presence of the gypsum, which would otherwise give the ginger a pale, suspicious color.

"A few samples of canned meats were analyzed and all found to contain borax or sulphites or both. Sulphites are injurious, and of borax Doctor Wiley, of the United States Department of Agriculture, says: 'Borax when continuously administered in small doses for a long period or when given in large quantities for a short period creates disturbances of appetite, of digestion, and health.' Of the fruit products analyzed the majority were found to be imitation products, colored to represent the fruit, and composed of starch and glucose. In a sample of pineapple preserves glucose formed the bulk of the product, with saccharine added as a sweetener. This artificial sugar is made from analine, and as it is from 300 to 500 times as sweet as cane sugar, it is often used as a substitute. It has no food value, and passes through the body unchanged. A sample of strawberry pop was found to be colored with analine dye and sweetened with tals saccharine. The drinking of such mixtures should be discouraged.

"Out of six samples of cream of tartar bought on the market three were found to be composed of a large percentage of starch and phosphates. These mixtures sold for the same price as the pure tartar. Such practices are certainly fraudulent, for when the consumer calls for cream of tartar the law should see that he gets it and not a cheap mixture of tartar, starch, and phosphate of lime. A deplorable condition was found in the case of the cayenne pepper. Out of eight samples, six were colored with analine dye and adulterated with gypsum. It is hoped that our next legislature will see fit to pass a law that will stop such wholesale adulterations or at least compel the articels of food to be properly labeled, so that the consumer will know what he is buying. The pure-food question has been taken up by many of the women's clubs throughout the State, and it is desired that they ask their representatives and senators to the coming legislature to support a law which will give the State jurisdiction over all classes of food products, many of which at the present are badly adulterated."

The history of all these matters shows that the State is never able properly to control the adulteration of food products designed for interstate commerce, and that the great arm of the Federal Government alone will be able to supervise the manufacture and sale of those food products in all of which we are so vitally interested. [Loud applause.]

Mr. GAINES of Tennessee. Mr. Chairman, I want to make a few remarks about the purposes of this bill and discuss the power of Congress to control interstate and foreign commerce and the power of the States to control local or State commerce. I shall vote for this bill, amended the best we can, because it is the best that we can now pass, and certainly, I think, something should be done to help the cause of pure food and to aid the States in enforcing their pure-food laws.

If Congress prohibits the shipping into a State or Territory of impure foods, it will lessen the burdens of and aid the States and Territories in enforcing their pure-food laws. It will prevent the evil, to a large extent, from coming into the State and Territory, and thus the State and Territorial laws can be more easily and perfectly enforced. With this view in mind, I shall support this bill and try to make the pending bill a better one as we proceed.

Congress has complete power, "plenary power," as the Supreme Court has repeatedly held, notably in the Addyston Pipe Trust Company, to "prohibit" obnoxious interstate or foreign commerce. We prohibited foreign commerce by the embargo acts in the days of Jefferson and at other times. We prohibited whisky being shipped to the Indians. We prohibited a great many objectionable products being shipped from one State to another under laws based on the commerce clause of the Constitution. We prohibit monopolies in Federal commerce. We prohibit contracts made in Federal commerce, by which obnoxious trusts and combinations are made, and the Supreme Court passed on this very question in the Pipe case. My under-

standing is that this bill has been based as completely as possible on this commerce clause, which gives to Congress the right to "prohibit" or regulate Federal commerce, which includes the right to cause it to be prepared to be shipped in its pure and proper state from one State to another, etc.

I do not disagree with a single proposition of the law, that I recall, announced by my friend from Texas [Mr. HENRY] yesterday.

I think he misapplied the law to the particular case now in hand, to wit, this bill. Local, domestic, or State commerce is completely under the control of the several States. Federal commerce—that is, interstate and foreign commerce—when Congress does not act, may be curtailed by the States, in so far as it is obnoxious to the police laws of the States; but where Congress takes complete control of the Federal commerce, the States can not take charge of and control that same commerce, and why? Because Congress has taken complete control; the two authorities are then in conflict, and, by the very words of the Constitution, the Federal law is the supreme law of the land. The Congress may abuse this power. So may the States. These powers exist, but should be wisely exercised always.

Now, Mr. Chairman, I shall not quote any law. I have not the time nor has the committee the time for me to do that. I shall content myself with referring the House to a very pertinent opinion of the Supreme Court of the United States, reported in 154 United States Reports, page 209, in the case, Covington Bridge Company *v.* Kentucky, where the commerce powers of Congress and the States are fully discussed by Mr. Justice Brown. In that case the court distinctly declares, first, that the State commerce is controllable by the States only, except, of course, such incidental interference as is absolutely necessary to execute some express grant of power given to Congress; the second class of commerce is that Federal commerce which may be obnoxious to the morals and health of the State which the States can police when Congress has failed in part or entirely to take charge of and regulate, and the third class is where Congress takes complete control of the Federal commerce and regulates it. It is these three classes that are alluded to by Mr. Justice Brown in this very elaborate opinion.

Mr. GARRETT. Will my colleague allow me to ask him a question?

Mr. GAINES of Tennessee. Certainly.

Mr. GARRETT. Do you think it will aid the States to enforce the police power to provide expressly that they shall not interfere with a package branded according to the rule set up by the Department in this case?

Mr. GAINES of Tennessee. I made an inquiry about that yesterday, because I did not fully understand that provision; but, my dear sir, we can not make a perfect law the first time we try. I think the provision goes too far, but the gentlemen in charge of the bill do not think so. We can try to change that. We should make this law now as perfect as we can, and in the next session of Congress or soon hereafter we can perfect it. I know of no one who will do his part better or more intelligently than my colleague from Tennessee. I am against the impure and dirty thing, whether it is in a State commerce or commerce between the States or wherever it is. If there are State laws to crush the evil in local or State commerce, I want the Federal Government to join hands with the State authorities and to prevent noxious foods and products being transported from one State to another. Do that and you aid the States and help save the people from these evils in a great measure.

Mr. Chairman, I am happy to see the great moral wave that is sweeping all over this country. There is reform going on in everything throughout the United States. In all of the States the people are getting into the saddle, and in another year the man with unclean hands will not be permitted to hold office and the unclean thing will not be permitted, and the guilty ones will be published, whether rich or poor.

Mr. HENRY of Texas. You say you want the Federal Government to join hands with the States and aid the States in enforcing the law?

Mr. GAINES of Tennessee. Exactly.

Mr. HENRY of Texas. There are a number of States that prohibit the sale of intoxicating liquors and the importation of intoxicating liquors—States like Iowa and Kansas.

Mr. GAINES of Tennessee. Yes.

Mr. HENRY of Texas. Now, instead of passing the Hepburn-Dolliver bill, are you not in favor of passing a bill preventing the shipment of intoxicating liquors into those States?

Mr. GAINES of Tennessee. Wherever a State has a prohibition law I think the United States Government should aid the State in enforcing it. This discourages the whisky evil and builds up the State.

Mr. HENRY of Texas. Are you in favor of aiding the States by passing a law that will prevent the shipment of intoxicating liquors into the States?

Mr. GAINES of Tennessee. I want the Federal Government to help the States to do that very thing, and also stop the sending of deleterious products into the States, thus aiding local laws and upbuilding States rights. We are striking now that way at an evil the States can not or have not controlled. Let Congress aid the States to control.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES of Tennessee. I ask unanimous consent to print in the RECORD two brief newspaper extracts on this subject.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee to extend his remarks in the RECORD?

Mr. PAYNE. The gentleman did not ask to extend his remarks generally, and I do not want him to print in the RECORD any indictments or court records, as he suggested this morning.

Mr. GAINES of Tennessee. I am not talking about that now. These newspaper extracts show that the authorities of the State of Pennsylvania condemned 3,842 pounds of bad beef yesterday and found 104 impure samples of food out of a total of 120 samples.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to print in the RECORD the newspaper extracts to which he refers. Is there objection?

There was no objection.

The matter referred to is as follows:

ALL BAD BEEF BARRED NOW—3,842 POUNDS CONDEMNED BY HEALTH INSPECTORS LAST WEEK.

Director Coplin yesterday completed his report that will be made to the board of health next Tuesday concerning the meat inspection conducted recently by the inspectors of the health department. He said he felt satisfied that none but good meat was coming into the city, because shippers were alarmed at the rigid investigation made by the meat inspectors.

The shippers, according to information received by Director Coplin, are now shunting all cars containing any but the best meat to nearby towns, to prevent any poor meat getting into our market.

The report of the inspection will show that for the week ending on June 16, 3,842 pounds of meat were condemned, and that 800 inspections were made of city slaughterhouses.

There were 60 slaughterhouses condemned at unfit. Of 41 live animals inspected, 12 were killed and the meat condemned.

ARRESTS IN PURE-FOOD WAR—104 OUT OF 120 SAMPLES SHOWED ADULTERATION.

The State dairy and food commission, under the direction of Dr. Benjamin H. Warren, has taken steps to prosecute dealers selling adulterated produce and meats. Two cases for selling adulterated "knackwurst," a kind of sausage, were brought before Magistrate Beaton yesterday. They were Leo Zimmerman, of 717 North Second street, and Abraham Cohen, of 212 South street. The former was fined $57.50 and the latter was held in $500 bail for court.

Doctor Warren asserts that the investigations of his department have shown that there is much adulterated food sold, and that action will be taken against several dealers shortly. (Philadelphia Ledger, June 23, 1906.)

Now, if Congress had prevented these bad foods being sent into Pennsylvania, the State of Pennsylvania would not have had this trouble and expense. This bill proposes to do that.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I offer the following committee amendment: On page 23, in line 6, after the word "prior," insert the words "or subsequent."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 23, in line 6, after the word "prior," insert "or subsequent."

The amendment was agreed to.

Mr. MANN. I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

On page 21 strike out lines 3, 4, and 5 and insert in lieu thereof the following:

"Third. If in package form, the approximate quantity of the contents of the package, at the time put up, be not plainly and correctly stated in terms of weight or measure on the outside of the package: *Provided*, That the use of particular sizes of packages established by recognized custom of trade may be authorized and permitted by and in accordance with rules and regulations established from time to time under the provisions of section 2 of this act."

Mr. SHERMAN. Mr. Chairman——

The CHAIRMAN. The gentleman from New York.

Mr. MANN. Mr. Chairman, I desire the floor.

The CHAIRMAN. The Chair has recognized the gentleman from New York [Mr. SHERMAN].

Mr. MANN. Will the gentleman from New York yield to me just for a moment, to submit a request for unanimous consent?

The CHAIRMAN. The gentleman from Illinois desires to submit a request for unanimous consent.

Mr. MANN. Mr. Chairman, this is the "package amendment." In the form in which it is presented to the committee, owing to the parliamentary situation, this is not subject to amendment in Committee of the Whole. The Committee on Interstate and Foreign Commerce have no desire, especially in reference to a new proposition of this sort, to attempt in any way to bind the Committee of the Whole, and I ask unanimous consent that the amendment which I have offered may be treated as an amendment in the first degree and subject to amendment in the second degree.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the amendment just reported may be considered as an amendment in the first degree.

Mr. HEPBURN. Is that just what the gentleman wants? Does he not want the provision in the bill to be regarded as an amendment of the first degree?

Mr. MANN. No; I want this amendment to be treated as an amendment in the first degree for the purpose of amending in the second degree, and not beyond that.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the amendment just reported may be considered as an amendment in the first degree, subject only to amendment in the second degree. That does not involve the proposition of a substitute. Is there objection? [After a pause.] The Chair hears none.

Mr. SHERMAN. Now, Mr. Chairman, I desire to offer the following amendment.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. ESCH having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills and joint resolution of the following titles:

H. R. 19431. An act permitting the building of a dam across the Mississippi River between the counties of Stearns and Sherburne, in the State of Minnesota;

H. R. 12086. An act to amend an act entitled "An act to incorporate the Washington and Western Maryland Railroad Company;

H. R. 9528. An act to reimburse Fred Dickson for loss of his tools through the fire which destroyed the engine house at Fort Duchesne, Utah, on September 19, 1902;

H. R. 5998. An act creating the Mesa Verde National Park; and

H. J. Res. 160. Joint resolution authorizing the Secretary of War to furnish a certain gun carriage to the mayor of the city of Ripley, Lauderdale County, Tenn.

The message also announced that the Senate had passed with amendments the bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 7099. An act to amend section 2871 of the Revised Statutes.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 3245) creating the Mesa Verde National Park.

PURE-FOOD BILL.

The committee resumed its session.

The Clerk read as follows:

Amend by striking out all after the word "third," on page 21, line 3, up to and including the word "package," on line 5, and inserting in lieu thereof the following: "If in package form and the contents are stated in terms of weight or measure they are not plainly and correctly stated on the outside of the package."

The CHAIRMAN. Does the Chair understand that this is an amendment to the amendment just offered?

Mr. SHERMAN. It can be considered as an amendment to the amendment.

The CHAIRMAN. The Chair does not understand that a substitute is in order.

Mr. SHERMAN. I desire it to be treated as an amendment to the amendment offered by the gentleman from Illinois. I will modify it so as to make it read: "Strike out all after the word 'form' and insert what I have sent to the desk."

The CHAIRMAN. The Clerk will read the proposed amendment.

The Clerk read as follows:

Strike out of the amendment all after the word "form" in the first line, and insert "and the contents are stated in terms of weight or measure they are not plainly and correctly stated on the outside of the package."

Mr. SHERMAN. Now, Mr. Chairman, may we have the Clerk report the amendment as it would read if adopted. Let the paragraph be read as it would read if the amendment were adopted.

The Clerk read as follows:

Third. If in package form and the contents are stated in terms of weight or measure they are not plainly and correctly stated on the outside of the package.

Mr. SHERMAN. Now, Mr. Chairman, I desire to discuss very briefly this amendment. In the first place, Mr. Chairman, this bill is a bill to provide for pure food. It is a bill which relates to quality and not to quantity, a provision to protect not the pocketbook so much as it is the stomachs of the American people.

I take it that it is not the desire of this committee to change trade conditions, to impose upon those who have been interested in a particular line of industry for decades a provision which is onerous. Certainly it is not the desire of this committee to so legislate unless the conditions are such that there is a demand for such legislation, unless frauds are perpetrated on the consumer to such an extent that they should be prohibited and prevented.

Now, the facts are, Mr. Chairman, that a very large majority of all the products of the canning companies in this country, whether they be inclosed in tin or in glass, are sold by the package and have been so sold for decades. The cans which have been presented by the distinguished gentleman from Illinois do not bear upon their labels any statement as to the weight or quantity of the contents of the package, and it has not been the custom of the trade to so label packages, and if they have been sold by weight, it has been by people, not those who manufacture the product, but by the retailer who perpetrated the fraud on the consumer.

It is practically a ridiculous or impossible proposition to say that a man who puts up jelly by the jar shall label that jar, that glass, as to the amount, either in weight or quantity, that it contains. The buyer cares nothing about the weight; the housewife knows nothing about the weight; she has been accustomed to purchase jelly by the package, by the glass, and she never gives a thought to the question whether it weighs 8 ounces, 6 ounces, or 12 ounces. The package is before her and she sees what it is, and so purchases it for what it is. And the same is true of catsup; the same is true of corn, peas, beans, and all such products. The fact is that the identical can filled with one commodity weighs from 2 to 4 ounces less or more than if filled with another commodity. The variation in weight is all the way from 2 to 4 ounces, depending upon the commodity inclosed in the can, when the cans are absolutely of the same size. It is also true that the commodity put up at one time in the year or in another, canned during an exceedingly dry or a very wet season, will differ a trifle year by year. So that it is impossible in the conduct of the business to regulate the size of the can and use the same label in June or in August, or use the same label in 1904 and 1905, and have them in every case correctly state the quantity of the contents of the package.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SHERMAN. I ask unanimous consent that I may proceed for five minutes.

Mr. GRAHAM. I ask unanimous consent that the gentleman's time be extended five minutes.

Mr. MANN. I ask that the gentleman may have ten minutes, as he represents that side of the question.

The CHAIRMAN. The gentleman from Illinois asks that the gentleman from New York may have ten minutes more. Is there objection?

There was no objection.

Mr. DALZELL. If the gentleman's amendment should be adopted, the canner would not be obliged to put anything as to weight or quantity on the can.

Mr. SHERMAN. No.

Mr. DALZELL. But if he did put it on, then it must be put on correctly.

Mr. SHERMAN. Yes.

Mr. DALZELL. That is the purpose of the amendment?

Mr. SHERMAN. Yes.

Mr. CLARK of Missouri. Mr. Chairman, will the gentleman yield?

Mr. SHERMAN. Yes.

Mr. CLARK of Missouri. Does the gentleman know enough about the tinning business, or does anybody else in the House know enough, to tell whether it is difficult to make these cans of substantially the same size or not?

Mr. SHERMAN. It is not at all difficult to make tin cans of the same size, but they will vary a little in weight at all

times, depending upon the weight of the tin of which the can is made.

Mr. CLARK of Missouri. Is it difficult to make bottles of substantially the same size?

Mr. SHERMAN. It is absolutely impossible to make bottles of identically the same weight. For instance, let me illustrate, if I may, to the gentleman from Missouri. In connection with a representative of the Curtice Brothers' concern of Rochester, one of the most reputable business houses in this country, who put up millions of jars and cans of the best product of fruits and vegetables known to the trade, he and I together weighed fifty glass jars of catsup. They were all made in the factory and supposed to be identical. They were all filled. I will defy any man who saw any one of those fifty bottles to determine which one, if any, weighed one single fraction of an ounce more or less than the other. Yet those fifty bottles varied in weight from 13 ounces to 15.1 ounces, and the firm had done its level best to have each one of those packages weigh 14 ounces.

Mr. CLARK of Missouri. Does the same rule apply as to glass jars as to bottles? That is, that it is impossible to make them the same?

Mr. SHERMAN. That rule would apply to anything that is put up in glass. It is physically impossible to make each one of a dozen glass containers weigh precisely the same.

Mr. CLARK of Missouri. I have heard from people who know a good deal about bottles that quart and pint bottles are deliberately made about one drink short. [Laughter.] I don't know anything about it myself, but I am asking for information.

Mr. SHERMAN. The gentleman is now talking about bottles which contain the product of corn, I suppose, which is grown in his country. I am talking about bottles in the main which contain some substance other than corn, either in its liquid or solid form.

Mr. GRAHAM. Mr. Chairman, I will ask the gentleman from New York to permit me to make a statement in answer to the gentleman from Missouri.

Mr. SHERMAN. I yield.

Mr. GRAHAM. These bottles are all blown by the breath of the glass blower, and he can not regulate that breath so as to make all the bottles alike. It is impossible.

Mr. CLARK of Missouri. Nobody wants to put an unreasonable hardship on the makers of cans or bottles or jars. If they can make them of substantially the same size, they ought to be made to do so.

Mr. SHERMAN. Well, they can not make them of identically the same weight.

Mr. CLARK of Missouri. And if they can not, there is no sense in putting it in the law.

Mr. JONES of Washington. Did the gentleman from New York find any of those bottles overweight?

Mr. SHERMAN. Certainly; just as many as underweight. I would like to call attention to the fact that if the gentleman from Missouri [Mr. CLARK] will take any one of these cans before us and fill it with oats grown on his farm, and then fill it with oats grown on an adjoining farm, he will undoubtedly find a difference in the weight. It is impossible to have the weight the same.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. SHERMAN. Yes.

Mr. MADDEN. Do the foreign traders in canned goods sold in this country put labels on the cans indicating the quantity?

Mr. SHERMAN. They do not, and they never have. The canned-goods product is sold by the package and it always has been. Let me read this amendment:

> If in package form *and* the contents are stated in terms of weight or measure, they shall be *plainly* and *correctly* stated.

This does not compel a statement of the weight or measure. I do not wish to permit the canners or any other manufacturers or producers in this country to deceive the public, and what little I have done in this House will demonstrate that fact.

Mr. DE ARMOND. Is it not a fact that both with reference to glass vessels and tin vessels they are frequently made purposely of small size? Is not that really the evil to be guarded against, rather than the matter of weight?

Mr. SHERMAN. Neither the glass vessel nor the tin can is made with reference to containing a special amount in pounds or ounces, but the sizes have become standardized in the trade without any reference to what they weigh, and they have been so dealt with in the trade for decades, and no purchaser from any canner ever suggests anything about the weight in the can. They are not known by weight and they never have been known by weight. The proposition offered by the amendment, offered by the gentleman from Illinois and by the original provision of the bill, is to compel the trade to do what it has never done—label the amount either in quarts or pints or pounds or ounces of the contents of the package. That would revolutionize trade conditions.

Mr. DE ARMOND. The gentleman does not understand quite the purpose of my inquiry. What I am trying to get at is the evil I think exists by having vessels, of glass or tin or other material, purposely made small. Now, for instance, take a fifth or fourth of a gallon, or take one can that would hold liquid, say 1 quart, and another can that would hold fifteen-sixteenths or fourteen-sixteenths or thirteen-sixteenths or twelve-sixteenths. Now, I think the most fraud perpetrated is the putting off upon unsuspecting individuals a comparatively small can for a full-sized can, and if that can be met, it seems to me that all correctible features as to this would be covered by the legislation.

Mr. SHERMAN. I do not know what may be done in the whisky trade. Seemingly the gentleman's question has reference to that.

Mr. DE ARMOND. Oh, no; it has reference to cans just as well.

Mr. SHERMAN. But in the trade the product of which is contained in tin cans there is no thought of making a can which will contain any less than it is supposed to contain, and never has been.

Mr. DE ARMOND. Say you are a jobber in cans. You can order a lot of cans that will contain approximately—of course it can not be exactly—fifteen-sixteenths of a quart. Now, then, if you do that, you will sell those to the wholesaler for fifteen-sixteenths size; he will probably sell them to the retailer for fifteen-sixteenths of a quart, but the retailer may sell them to the customer for a full quart, which, I think, is where there is the most deception.

Mr. SHERMAN. That can not be done under the amendment which I have offered. If the quantity is stated, it must be correctly stated. My amendment says if the contents of the package are stated in terms of weight or measure they shall be plainly and correctly stated, and that, I think, should be done. I do not believe the public should be deceived, but I do not want this House to say to a trade that has been selling in package form for some quarter of a century without any regard to the contents of the package, where the housewife is not deceived, where the housewife knows what she is buying, I do not want the House to say, "You must label this package," where it would be necessary, in order to have precisely the same weight in the can, to have your labels vary year by year, or possibly month by month, as to the commodities as well. I say that this provision here is a full and ample protection; that it does prevent precisely what the gentleman from Missouri desires to have prevented. It does prevent the selling to the people a package of any substance which is supposed to weigh a pound and having it marked a pound unless it contains a pound. It permits the sale of a package for a package, and let the package show for itself what it is; but if we attempt to say that is a pound package or a pound jar or a pound can, there must be a pound in the receptacle.

Mr. DE ARMOND. That was a matter I was directing attention to, not by way of criticising——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask——

Mr. SHERMAN. I do not ask a further extension. I do not wish any more than my fair share of time; but I thank the gentleman for his intended courtesy.

Mr. GROSVENOR. Mr. Chairman, I desire simply to support the amendment offered by the gentleman from New York, and in support of my position I desire to have read a letter from a packing house in my Congressional district, a firm of individuals whom I take great pleasure in certifying are men of the highest character, a member of whom is president of a canning association of some ten or twelve States.

The Clerk read as follows:

CHILLICOTHE, OHIO, *April 16, 1906.*

Hon. CHAS. H. GROSVENOR, *Washington, D. C.*

DEAR SIR: I have taken the liberty to wire you, per inclosed copy, calling your attention to at least one undesirable feature in the Heyburn pure-food bill now pending. I practically covered this ground in my letter of the 30th ultimo. The feature to which I referred is including on each package the weight of the package. After consulting with a good many of the canners in the Central West, it is the general impression that this feature of the bill would bring no good results to the consumers, and that it would be an expensive operation to the canners. Packers' cans that are now being used are practically of uniform size, and they are manufactured and sold in the following sizes: No. 1 standard, No. 1 tall, No. 1½, No. 2, No. 2½, No. 3 standard, No. 3 tall, and No. 10.

In putting up canned goods a certain amount of liquor is necessarily used in the way of brines or sirups. None are packed absolutely dry, so that the weight of the can would be no protection to the consumers, as the cans weigh practically uniformly when filled with fruit or vegetables and with the proper amount of brine. Of course there is a slight variation, owing, principally, to the inability to built automatic machinery that will fill cans absolutely correct. However, as above

stated, it would be no protection to the consumers, unless the law would provide that the net contents of the can weigh a given amount after the liquor has been drained off. It is the effort of every honest packer, who is looking for reputation and prestige in the trade, to give the consumers an honest product and as much goods in the can as can consistently be put therein. The quantity of the fruit or vegetable put into the can depends largely upon the packer's method.

Under a certain process of sterilization goods can be packed somewhat drier than under another. Both processes would probably be considered first class and up to date. A great many of the products are put into the cans automatically, and while there is approximately a uniform amount, there will be some slight variation. It would be a great expense, and curtail the output of an up-to-date plant, to undertake to weigh every can accurately for an absolute weight. It strikes me—and I think I am expressing the sentiment of all honest packers who are catering for the good will of the consumers—that this feature of the bill is unnecessary, and that it would be a handicap to the packers, who are the most ardent supporters of the pure-food bill. As the presiding officer of the Western Packers' Canned Goods Association, which includes several hundred representative canners in the Central States, I feel that I am expressing their almost unanimous opinion when I suggest that this feature of the bill be eliminated. The packers in the association, of which I have the honor to be the head at the present time, are unanimously and most emphatically in favor of a pure-food law which will compel the manufacturers of canned goods to use the best methods and put up goods that are absolutely free from deleterious or unhealthful substances. While they are unanimous on this point, I believe that they feel that the feature in the law to which I have called your attentfon is not essential and is impracticable. A law to be practicable in this respect would require a good deal of technical information and knowledge in order to frame it so that it would be any protection to the consumers. On the other hand, it is bound to be an expensive handicap to the canning industry.

I hope you will pardon me for encroaching upon your time again on this subject. However, the importance of this matter to the canning fraternity is so great that I feel that the above should be brought to your attention. While I am very busy at this time, if thought necessary, and if it could be arranged, I would feel that it is my duty to go before the committee and give them any information on the subject which they feel I am in position to give.

With best regards, I am yours, very respectfully,

L. A. SEARS,
President of Western Packers' Canned Goods Association.

Mr. GROSVENOR. Mr. Chairman, I ask unanimous consent to print in connection with the letter the statement of the association to which the gentleman refers.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD by the insertion of the document to which he refers. Is there objection? [After a pause.] The Chair hears none.

The statement is as follows:

DEAR SIR: Referring to subsection 3 of section 7 of the Senate bill, No. 88, as amended by the House, known as the "weight or measure clause of the pure-food bill," we, the Western Packers' Canned Goods Association, packers of fruits and vegetables, desire to present the following suggestions for amendments to the bill as it now reads:

Subsection 3 of the bill referred to provides that an article of food shall be deemed misbranded:

"If in package form the quantity of the contents of the package be not plainly and correctly stated in terms of weight or measure on the outside of the package."

Since this bill was reported the following amendment has been agreed upon by the committee having it in charge, to be offered on the floor of the House of Representatives:

"Third. If in package form, the approximate quantity of the contents of the package, at the time put up, be not plainly and correctly stated in terms of weight or measure, on the outside of the package: *Provided*, That the use of particular sizes of packages established by recognized custom of trade shall be authorized and permitted by and in accordance with rules and regulations established from time to time under the provisions of section 2 of this act."

We suggest the following changes in subsection 3, which we think would remove the objectionable feature and make the regulation applicable to canned fruits and vegetables. This amends by striking out the words "at the time put up" and inserts "except fruits and vegetables in hermetically sealed packages, preserved by process of sterilization," making it read as follows:

"Third. If in package form, the approximate quantity of the contents of the package be not plainly and correctly stated in terms of weight or measure on the outside of the package, except in the case of fruits and vegetables in hermetically sealed packages, preserved by process of sterilization: *Provided, etc.*" Also the word "shall" in place of "may" be authorized.

The adoption of any provision which requires the quantity of the contents of the can to be placed on the can, either exactly, approximately, or the minimum quantity, will serve no useful purpose to the consumer, is impracticable, would not accomplish the purpose sought, would add largely to the expense of packing, and its enforcement would prove a menace to a most important industry.

We are heartily in favor of the pure-food requirements of the committee bill, as is every packer in the country, for the effect of its enforcement will be to give the people confidence in the purity of canned fruits and vegetables and largely increase consumption.

The gross weight of the can printed on the label, or the net weight of the contents of the can printed on the label, would be practicable for goods sold by weight, but impracticable for canned fruits and vegetables put up in hermetically sealed cans.

The truth is, the weight or measure on the can would be meaningless and no protection to the consumer. The value of the contents of a can is based upon its solid contents to some extent; but a far greater value is produced by the selection, excellence, and succulency of the product. For instance, a full can of a given size of coarse string beans, or of peas of the larger siftings, would not be worth, in eating merits, to discriminating consumers as much as a can of the same size packed with only one-half the net weight of the same vegetable in just the proper stage of maturity to get the best results as to flavor and excellence.

It has been said that the consumer has been imposed upon by the variation in the size of the cans. We wish to state that there is no variation in the size of standard packages. The 1-pound regular, the 1-pound tall, the 1½-pound, the 2-pound, the 2½-pound, and the 3-pound sized packages are made from a standard scale fitted down to the thirty-second of an inch, and they are never any different. If you would write for a price on a 1-pound sized tin to any number of different manufacturers of tin cans in this country, all would know what you want and would quote you identically the same sized package. The variation of these different sized packages has grown out of the needs and requirements of the consumers. If a small family wants a 1-pound can of peas, they want it because it is sufficient for their requirements. If another family wants a 1½-pound can of peas, they want it for the reason that it is a little larger and contains more peas than the 1-pound size, and will satisfy their needs. The different sized cans in which canners are packing fruits and vegetables have grown into use because consumers desire them.

In no case has a standard been adopted for tin cans, except a standard of measurement which is in common use by can manufacturers and packers of canned fruits and vegetables. This standard is not given in terms of measure, as fluid ounces, nor in pounds or fractions of pounds. It simply gives the diameter and height of the cans in which the goods are packed. A reference to any trade journal will give you the standard sizes of cans now in use by packers in this country. No one knows just what these packages weigh; they vary according to the density or specific gravity of the goods therein. In view of the fact that canned fruits and vegetables are never sold by the pound and are never said to weigh so many pounds or fractions of a pound, but are called 1-pound, 2-pound, 3-pound, etc., it is unnecessary to have any standard as to weight or measure on this class of goods, except possibly a statement that this can is full standard 1-pound size, or other size, according to what it is sold for. There would be no objection to having a law stating the size of the can to be used in each case and naming a standard which would be acceptable, the standard to be according to measurement and not to weight.

In canned vegetables and fruits the gross weight would be the can and the contents, including the vegetable or fruit and the liquor necessary to add to preserve and flavor the goods. The net weight would be the contents of the can less the amount of liquor that was added. To illustrate: You might pack a can full of solid meat tomatoes without adding any water or liquor, and if the tomatoes were slightly overripe and a little overcooked in the process of sterilization, the tomatoes would disintegrate and a large per cent of water or liquor would result.

Again, very young and tender, succulent corn, packed in its own milk, after sterilization might not contain anywhere near as much solids after the milk or juice has been drained off as a cheaper or inferior grade, which, owing to the conditions under which it was packed, might show absolute solidity of pack.

In canned vegetables and fruits more or less liquor must be added, so it would be impossible to establish a net weight of the product that should be put into the cans, as under different conditions under which the same class of products must be handled the weight would vary.

The great staple products—corn, peas, and tomatoes—are put into the cans by machinery, which fill the cans automatically by measure at the rate of from sixty to ninety cans per minute, and from the filling machines the cans pass to the capping or soldering machines, which permanently seal the cans ready for the final process of sterilization. By this automatic process the cans are uniformly filled, but the weight will vary more or less, according to the consistency of the goods.

The above represents the unanimous opinion of our association, composed of canners in the following States: Ohio, Michigan, Illinois, Indiana, Iowa, Nebraska, Missouri, Kansas, Kentucky, Idaho, Colorado, Minnesota, Wisconsin.

Yours, respectfully,

L. A. SEARS, *President.*
F. F. WILEY, *Secretary-Treasurer.*

Mr. KEIFER. Mr. Chairman, I am in entire sympathy with the general motives of this bill, but I am afraid that we are liable to make some serious mistakes and do the business of the country more harm than good. I would say I was in favor of the amendment of the gentleman from New York if I were not afraid, if taking statements made in the general debate, that his amendment would be entirely without force or effect. His amendment I agree to in every respect if it would have any efficacy at all. It is unnecessary, in my opinion, because in quite as clear and distinct language the same provision is already twice in this bill.

In the same section to which the amendment is proposed there will be found two provisions covering exactly what he proposes by his amendment. Turning to page 20, in section 7, it reads:

That the term "misbranded" as used herein shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement regarding the ingredients or substances contained in such article, which statement shall be false or misleading in any particular.

Then take the paragraph following, the one that is proposed to be amended, the fourth on page 21. We find a repetition of this, as follows:

If the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein which statement, design, or device shall be false or misleading in any particular.

In substance the same thing is in section 1 of the bill.

Now, what is propsed by the amendment offered by the gentleman from New York [Mr. SHERMAN] is to say, in the third paragraph:

If in package form the quantity of the contents of the package be not plainly or correctly stated in terms of weight or measure.

That is only to make in the same section three reiterations of the necessity of the label being a truthful statement. But it does not reach what I understand the committee claims, and that is that all packages are to be labeled.

If the gentleman from Illinois will give attention, I would like to know whether he claims, as was generally stated in

the general debate, that all packages are required to be branded or labeled that go into interstate trade under the bill.

Mr. MANN. Under the amendment that was offered all packages would be required either to have on them weight or measure of the contents, or to have on them, subject to the rules and regulations, that standard sizes, giving the size.

Mr. KEIFER. Aside from the proposed amendment?

Mr. MANN. Without naming in that case the weight or measure.

Mr. KEIFER. Aside from the proposed amendment offered by the gentleman from Illinois and from the clause contained in the three lines on page 21, I want to know whether the bill in general terms requires a branding of all packages.

Mr. MANN. It does not include a branding of all packages. It provides against a misbrand.

Mr. KEIFER. Then, Mr. Chairman, what I think is best to do is try to amend the amendment proposed by the gentleman from Illinois [Mr. MANN] so as to make it clear, and not merely to reiterate here that the branding shall be truthful, for that is already provided for.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEIFER. Mr. Chairman, I ask to have just a moment more.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for one minute. Is there objection?

Mr. KEIFER. Make it five minutes.

Mr. WADSWORTH. Five minutes.

Mr. BARTLETT. Mr. Chairman, I object.

Mr. KEIFER. Mr. Chairman, I was trying to get the gentleman time to help him out, and now he objects to my request.

The CHAIRMAN. The gentleman from Maryland [Mr. TALBOTT] is recognized.

Mr. BARTLETT. Mr. Chairman, I withdraw the objection.

The CHAIRMAN. The Chair will again state the question. The gentleman from Ohio asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. KEIFER. Mr. Chairman, I offer this excuse for asking a little more time, that there are in my district several of the largest canning establishments in the United States. They can in the proper season tomatoes, but more largely, along the valley of the Scioto, in Ohio, they can sweet or sugar corn. There are thousands and thousands of acres devoted each year to the raising of corn for these canneries. They daily can many thousand cans, and if they have to mark each can, either as to weight or measure, they can not carry on their business at all. I only wish that this bill shall be such that the canners can make a fair branding. They are entirely willing that an honest brand shall be required, but if an impossible or impracticable brand is required they will probably be driven out of a business of great interest to the people of this country. This would be a calamity and unnecessary in this legislation.

And let me add to what has been said by the gentleman from New York [Mr. SHERMAN]. If you will take corn from the same field in a certain condition and can it, heat it, take it out of the same vat, put it in the cans of the same size, hot, seal it, and then puncture it to let the steam off, and then cool it and afterwards close it, and weigh two cans treated in that way it will be a coincidence if they will weigh exactly the same, because the evaporation or something else will vary. They are perfectly willing, as I understand it, that the size of the cans in each case shall be honestly branded. [Cries of "Vote!"[

Mr. TALBOTT. Mr. Chairman, I represent a district that is, perhaps, as much interested, or more so, in this proposition than any other in the country. Now, not a single gentleman engaged in canning in that district I represent desires to interfere with the enactment of a law providing for pure food. They do object to the enactment of legislation that will interfere with the business that they are the pioneers in. The pioneers in the canning industry were in my district. In 1870 the first census was taken of the canning industry. The capital invested was about $2,000,000, and only ninety-seven establishments. In 1900 there were in this country 2,182 establishments, and the increase of establishments from 1900 to now, 1905, is 2,687.

Now, our people contend, Mr. Chairman, that this industry, that has flourished and been developed without Federal legislation, is an industry that has given to the people of this country a pure food, cheap vegetables, almost as good as in the natural state. They would not object to the enactment of this paragraph if it were possible to comply with the provisions of it. There are two billions and a half of cans manufactured in this country in a year. The canning period or the canning season in this district for tomatoes, corn, peas, beans, and all those vegetables is short, and not one word is included in the hearings before the Committee on Interstate and Foreign Commerce on that subject. The canning season is only about six weeks in a year. Can you expect an industry like this to undertake to put either the approximate or correct weight on 2,500,000,000 cans in that short period? Gentlemen, it is impossible. If they were to try to do it, they would have to weigh each can to itself. Corn raised on one farm will weigh more per quart or per bushel than corn raised on another farm. Tomatoes raised on one property will weigh more per bushel than those raised on another property. The character of the soil has much to do with it. A rich piece of land will raise good tomatoes, good corn, good peas, and will give the highest weight. Poor land raises inferior goods, and goods of less weight. Our people are as honest as any people in the land. They would comply with a provision like this if it were possible; but it is not possible; and I want to state to the committee that the impression sought to be made and possibly was made on the Members of this House and the people of the country, that the canners were guilty of putting upon the country and upon the market short-weight cans—that is not true. You can take and examine every can of tomatoes, corn, peas, or whatever they contain on that table, and you will find on the can as it was bought by the gentleman from Illinois no weight mark whatever. Therefore it was given to the dealer without any weight upon the can, and if any fraud has been perpetrated upon the people, you are after the wrong fellow. You want to get after the dealer. [Applause, and cries of "Vote!"]

Mr. GRAHAM. Mr. Chairman, I shall support the amendment of the gentleman from New York, and I most heartily concur in all the arguments he has made. In addition I desire to call attention to a few objections to the bill as an original proposition. First, as I stated in reply to the gentleman from Missouri, it is impossible under the present system of manufacture to blow glass bottles so as to contain actually the same weight or contain the same quantity. The manufacturer may have molds prepared for the manufacture of particular sizes, but according to the strength of wind of the glass blower, as he blows into the mold, the bottle may be light or heavy. It is impossible to have them of exactly the same weight, and manufacturers would be constantly laying themselves liable for misstatements by reason of those variations, no matter how slight, Second, in regard to the variation of weight and measure of contents of packages, they may vary on account of evaporation and consequent shrinkage, and that variation will necessarily increase as time elapses from date of original packing.

Mr. PRINCE. Will the gentleman allow me to ask him a question?

Mr. GRAHAM. Certainly.

Mr. PRINCE. Does each bottle have to be blown by a human being blowing it?

Mr. GRAHAM. Yes, sir.

Mr. PRINCE. You have no machinery by which you can gage the blow?

Mr. GRAHAM. No.

Mr. PRINCE. That is the point I wanted to ascertain.

Mr. GRAHAM. Third, because food products are not sold on a weight or measure basis, but in packages so put up as to sell at a certain convenient retail price, as for 5 cents or some multiple of five.

Fourth. Because it tends to destroy the value of individual label and packages which have obtained a recognized standing among consumers and are copyrighted as special designs.

Fifth. Because such language is not properly part of a food law and not necessary since the packages are sold as such without any claim of weight or bulk.

Sixth. Because the language of subdivision "Fourth," page 21, fully protects purchasers from fraud and deception, not only as to weight and measure but in all respects, by prohibiting any label which may be false or misleading in any particular.

Mr. BARTLETT. Mr. Chairman, speaking to this amendment, I desire to call the attention of the House, and especially of gentlemen from California, to the fact that the legislature of the State of California, in the exercise of its police authority, passed a law similar to this amendment, and that the supreme court of California, in a recent case, that of Robert Dietrich, decided that act to be unconstitutional. If the State within its own border can not undertake to prescribe this sort of a police regulation, then surely the Congress, which has no right to exercise police powers within a State, can not do it. I send a statement of the decision to the Clerk's desk and ask that it be read in my time.

The CHAIRMAN. It will be read in the gentleman's time.

The Clerk read as follows:

MAY SELL BUTTER WITHOUT MARK ON LABEL—ROBERT DIETRICH, CHARGED WITH VIOLATION OF A RECENT LAW, WINS IN THE SUPREME COURT.

The supreme court yesterday discharged Robert Dietrich, a grocer, from the custody of the sheriff, where he was placed some time

ago for the violation of a recently enacted law providing for the marking of packages of butter containing less than 6 pounds or more than one-half pound—in other words, the statute requiring the exact weight to be printed on packages of butter for sale is declared unconstitutional and void by that body.

Some time ago Dietrich was arrested, convicted, and sentenced to imprisonment for disposing of butter on which the exact weight was not printed. Immediately afterwards Dietrich applied for a writ of habeas corpus. As a result of this decision, dealers will be allowed to sell quantities of butter which have been put up in any shape that they may desire without marking their weight—in fact, according to the holding of the court, a dealer may continue, if he is so inclined, to use the short-weight system, whereby the customer will get much the worse of the deal.

The court holds with the petitioner that the law mentioned is unconstitutional, on the ground that it is an unwarranted restriction on the citizen's constitutional right to his property. In rendering the decision, which affects every retailer of butter in the city, Justices Shaw and Sloss added dissenting opinions to that prepared by Justice McFarland.

The general decision of the court was rendered on the principle that the legislature can not impose an onerous and unnecessary burden upon property and business and the right of contract, except when this may be done under police power for the protection of the public health, morals, and safety.

Mr. BARTLETT. Now, Mr. Chairman, the dissenting opinion only undertook to say that it could be done under the police power of the State. The majority opinion held that it could not be done at all. Now, I should like to know under what authority Congress acts in enacting a law of this sort? Probably Congress can prohibit the transportation of articles by means of interstate commerce. Congress has no right to undertake to enforce a police regulation like this. Surely, Mr. Chairman and gentlemen, if the State can not within its own borders enact a law of this character, as is sought to be done in this bill, with reference to the size and weight of packages, Congress goes far beyond its authority when it undertakes to do it.

[Mr. THOMAS of North Carolina addressed the committee. See Appendix.]

[Mr. FLOOD addressed the committee. See Appendix.]

Mr. HAYES. Mr. Chairman, it strikes me that the only possible justification we can have for passing legislation of this kind, which will necessarily revolutionize the trade customs in many industries, is the prevention of fraud upon the purchaser and consumer. The gentleman from Illinois [Mr. MANN] last night gave us a demonstration of different sizes of cans and packages. I submit that any good housewife can discover the difference in the sizes without the quantity being printed on the packages at all.

Mr. MANN. But the distinguished gentleman from New York [Mr. PAYNE] was unable to distinguish the sizes, even after a careful examination and comparison.

Mr. HAYES. Then I submit that there is no prohibition in the law which prevents the purchaser putting the package on the scales and determining its weight. But I believe that any housewife will very soon discover which is the larger can or package.

There are many instances where goods, like crackers, are put up in packages, where it would not only be almost impossible, but utterly useless to burden the producer and dealer by a provision of this kind, because the package speaks for itself. So with many other things.

I submit that the amendment of the gentleman from New York covers every possible need for legislation of this kind. If the weight or the quantity is stated on the package, then it should be correctly stated, but I can see no possible object in requiring every industry in this country that puts up goods in packages to state on the outside of the package the weight or quantity. It would not only revolutionize the trade in many industries, but would be a very onerous requirement upon almost all of them. I hope the amendment of the gentleman from New York will be carried.

Mr. MANN. Mr. Chairman, I ask unanimous consent that I may proceed for fifteen minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that he may proceed for fifteen minutes. Is there objection?

There was no objection.

Mr. MANN. I first yield to the gentleman from Delaware [Mr. BURTON] to allow him to speak in his own time.

Mr. BURTON of Delaware. Mr. Chairman, since this matter has been before Congress I have received a great many letters from constituents in my district, interested in the canning business, and all agree that such a thing as absolute accuracy in weight or measure is an impossibility, or, at least, without weighing each package, and this would entail so much expense that it would make the industry unprofitable. I agree with the gentleman from New York that the thing we are most interested in is to give the people pure food, and not to legislate as to the exactness of the quantities that they shall get in a package.

In order that the committee may understand the feeling of the people in my district, I ask permission to have read from the Clerk's desk a letter from Hon. Walter O. Hoffecker, a former Member of this House.

The Clerk read as follows:

J. H. HOFFECKER CANNING COMPANY,
Smyrna, Del., March 31, 1906.

Hon. H. R. BURTON, *Washington, D. C.*

MY DEAR SIR: Concerning the pure-food bill passed by the Senate February 21 last and now before the House, beg to call your attention to section 7, subdivision 3, page 21, reading as follows: "If in package form, the quantity of the contents of the package be not plainly and correctly stated in terms of weight or measure on the outside of the package," it will be misbranded. As president of the Tri-State Packers' Association, which organization embraces the leading canners of the States of New Jersey, Delaware, and Maryland, and the eastern shore of Virginia as members thereof, I write you earnestly soliciting that you will use your best endeavors and influence to have this part or section of the bill either eliminated or made not applicable to canned goods. This provision, if enforced, would entail a great hardship on canned-goods packers, for the reason that nearly all canned goods of every description are filled automatically by machinery, and as there is no uniformity in the conditions of raw material, at least as applied to many articles preserved in tin, there can be no absolute uniformity in weight. Take tomatoes, for instance. You are doubtless well aware that there is nothing less uniform in weight than tomatoes. When the season is dry one condition prevails, and when it is wet an entirely different condition is present. Different growers, even in the same neighborhood, bring a different quality of fruit to the cannery, and if the tomato shall be pulpy, it will fill the can full, but will not weigh as heavily as the can well filled with tomatoes that are more juicy. To compel the packers to weigh every can is practically impossible. They have the greatest difficulty already to procure sufficient help to take care of the crop, and if they were obliged to weigh each can it would result in a greatly diminished pack and untold amount of trouble and expense to the packer, a greatly increased cost to the consumer, and no possible advantage to anyone.

Canned goods are never slack filled. No matter what the contents may be, the can is always full, and this is surely all any consumer can reasonably demand. The variation in weight, of course, is slight, and yet it exists in every factory for the reasons above given. If there is no deception to the consumer, why impose such a hardship on the canner as to oblige him to weigh every can and have labels with different weights for the same size can? It would be just as reasonable to require the merchant selling eggs to have them all exactly uniform in size and weight.

Another practical impossibility without untold trouble and expense to the merchant dealing in eggs in large quantities. The trade have regulated the size of can and demand full cans, and canned goods are invariably sold by sample, and no packer does, because he could not afford to, slack fill his cans.

You will confer a great favor upon your constituents in the canning business, and you are doubtless aware of the enormous size of this industry in Delaware, Delaware being the fourth State in the Union in the extent of her tomato canning, by having this objectionable feature eliminated from this pure-food bill. We, as canners, are heartily in favor of a pure-food bill, but of course we do not want one that imposes needless hardships with no corresponding benefits.

Sincerely hoping that as packers we may have your earnest and hearty cooperation in this matter, I am,

Very truly, yours,
W. O. HOFFECKER.

The CHAIRMAN. The time of the gentleman from Delaware has expired.

Mr. PERKINS. Mr. Chairman, I ask unanimous consent that the gentleman may have one minute more.

The CHAIRMAN. The gentleman from New York asks that the time of the gentleman from Delaware be extended one minute. Is there objection?

There was no objection.

Mr. BURTON of Delaware. Mr. Chairman, it is a very easy matter for men to say that the objection on the part of the canners to striking out this paragraph of the proposed law is because they are disposed to cheat. The letter I have just read is from a man I know personally, once representing my State in this House. He is president of the Tri-State Packers' Association, from the three States of Maryland, Delaware, and New Jersey, and I know that he would not make a statement he did not believe to be absolutely correct. He says it is impossible to make uniform-weight cans and packages, and now, Mr. Chairman, I took the trouble to weigh two cans of tomatoes, cans I have no doubt made at the same factory and put up in the State of Maryland, one at Vienna and the other at Rising Sun, and there was nearly one-quarter of a pound difference in weight between the two cans. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BURTON of Delaware. All of the gentlemen from whom I have had communications agree that they are in favor of a national pure-food law, showing by that sentiment that they have no disposition to pack unwholesome or impure food products, and therefore it can not be said that they are in opposition to the principles of this bill, but they are unwilling to be compelled to incur such an expense as would make their busi-

ness unprofitable. There is no doubt of the fact that a very large part of the pack of 1906 has been sold, based upon the cost of previous production, and, in some instances, with a guaranty of the goods being packed in the same way as heretofore; and it is no more than fair that such pure-food law as may be passed upon this particular subject at least shall not apply to goods packed prior to January 1, 1907.

Now, it is my judgment that a uniform standard of cans should be in some way adopted for this whole country, and that packages should be made, as nearly as possible, of uniform size, and marked Nos. 1, 2, 3, etc., as suggested by the gentleman from Illinois [Mr. MANN] in his proposed amendment. But in all probability the cans for the pack of 1906 and the greater part of 1907 have been contracted for and in many cases manufactured, and a law compelling that a uniform standard to date earlier than from January 1, 1907, would render worthless thousands of the cans that have been manufactured in good faith and stored ready for use.

These cans are all made by machinery, and from an examination that I have made of the packages that have been before this House it is very clearly shown that the different States have classes of machinery which, while they may be uniform for that particular State, differ in size from those manufactured in other States.

Congress will undoubtedly in the future enact a law for cans of uniform size throughout the country, and I would suggest that notice be given through the Department of Agriculture that such a law would be advocated by that Department, in order that the manufacturers of tin cans throughout the country might be prepared for what certainly will, and of right should, be enacted into law.

Mr. PADGETT. Mr. Chairman, I am friendly to this bill and expect to vote for it. I believe we should put forth every reasonable effort to suppress fraud, and at the same time I favor and shall vote for the amendment offered by the gentleman from New York [Mr. SHERMAN], because I believe it is adequate and meets the conditions. We should aim to destroy affirmative frauds. I believe that the people of the United States are competent to buy intelligently a 10-cent can of tomatoes or of peaches. If we prohibit the publication on the can of a misstatement, we can trust to the intelligence of the people to trade for a can of tomatoes as well as we can to trade for a mule or a horse. We might as well require the height of a horse to be branded upon him as to require the weight to be branded on a can of tomatoes.

Mr. HUMPHREY of Washington. Then, will the gentleman explain how it happens, in all these cans which are exhibited before us, they are a little less than they appear to be? A can you would suppose to be a 2-pound can, comes a little under it; a 1-pound can, a little under 1 pound. That goes all through these packages; they are a little bit less than the purchaser would suppose they contained. Would the gentleman think that was a coincidence or an accident?

Mr. TALBOTT. If the gentleman from Tennessee will permit, I will answer. The weight marked on those cans is placed there by the Committee on Interstate and Foreign Commerce.

Mr. HUMPHREY of Washington. I do not mean the weights at all. I mean you take the cans of tomatoes and the cans of peaches, and they all have a little less than anyone would suppose they contained.

Mr. TALBOTT. Is the weight stamped on the cans?

Mr. HUMPHREY of Washington. No.

Mr. MANN. Does the gentleman think that the Committee on Interstate and Foreign Commerce extracted any part of the contents of the cans?

Mr. TALBOTT. I mean to say that with all the canned goods—tomatoes, corn, peaches, and everything—as they come from the packer, there is no weight stated on them.

Mr. MANN. That is true.

Mr. TALBOTT. If any fraud has been perpetrated upon the people, it is by the dealer—the retailer—and not by the canner.

Mr. HUMPHREY of Washington. The canner made it possible for him to perpetrate the fraud by putting up a can that was apparently not what it actually was; putting up what appears to be a 2-pound can when it weighs less than 2 pounds.

Mr. TALBOTT. The canner helps to do nothing of the kind. The canner bought a standard can, and filled it with tomatoes or peas or corn and put it on the market, and if anybody has been cheated it is by the retailer.

Mr. STEVENS of Minnesota. Then why isn't the canner willing to put upon the can that it is a standard can?

Mr. TALBOTT. The gentleman will understand that the canning season in this country for all kinds of goods is only from four to six weeks, depending on the climate.

Mr. STEVENS of Minnesota. That has no connection with this question. Why isn't he willing to label the cans "No. 1 can," "No. 2 can?"

Mr. TALBOTT. Hasn't the customer got eyes so that he can see? Does not the purchaser buy with his eyes open?

Mr. HUMPHREY of Washington. Why is not the canner willing to state the truth?

Mr. TALBOTT. The canner can not make those statements and be accurate about them.

Mr. HUMPHREY of Washington. Why do not the canners want to tell the truth?

Mr. TALBOTT. They do want to tell the truth.

Mr. PADGETT. Now, Mr. Chairman, in conclusion I want to state in answer to the question put by the gentleman from Washington that these cans do not purport to state how much the contents weigh. The cans do not affirmatively deceive anybody. I say that the people are competent to judge of the weight and the size of a can of tomatoes or a can of corn as much as they are to purchase a horse or a mule or a cow, or anything of that kind in the markets of the country. We might as well require the age of a horse to be stamped on his shoulder and his size and height in hands plainly marked on his side, as to require the weight of each can of tomatoes or each can of corn to be stamped on the can.

Mr. ADAMSON. When we reach the stage which we are doubtless rapidly approaching, the Government will indicate and regulate the mule and horse trade when it performs its paternalistic duty, and establish regulations for that matter.

Mr. MANN. Well, it would save a good deal of swindling in the gentleman's country if they would regulate the mule trade.

Mr. PADGETT. In answer to the gentleman from Illinois I want to say that the only trade we have from his section of the country is when we go up there to buy. We never sell there, and if there is any swindling, the gentleman can see where it lies. [Laughter.]

Mr. ADAMSON. I thought the gentleman was going to answer me instead of the gentleman from Illinois.

Mr. GRAHAM. Mr. Chairman, I rise to a question of privilege.

The CHAIRMAN. The gentleman will state it.

Mr. GRAHAM. Inadvertently a few moments ago, in responding to the interrogatory of the gentleman from Illinois [Mr. MANN], I stated that all bottles were still blown by the human breath. I want to correct that statement. There are now inventions whereby machine-blown bottles are made.

The CHAIRMAN. The Chair does not discover any question of privilege in what the gentleman has stated.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman may be given sufficient time to retract all of his statements. [Laughter.]

The CHAIRMAN. The gentleman may proceed by unanimous consent, but he certainly has not as yet stated any question of privilege.

Mr. GRAHAM. The machine now injects the air into the bottle, and that machine——

The CHAIRMAN. The gentleman is not stating a question of privilege. He is out of order unless he is permitted to proceed by unanimous consent.

Mr. OLMSTED. Mr. Chairman, I ask unanimous consent that my colleague may proceed long enough to make his remarks entirely correct. I ask unanimous consent that he may be permitted to proceed for three minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that his colleague may proceed for three minutes. Is there objection?

There was no objection.

Mr. GRAHAM. Mr. Chairman, I desire to state that although in making that answer I was inadvertently mistaken, yet the force of my argument is the same, because this machine varies the same as the human breath. The operator may have that air which penetrates the bottle of a little greater force, and thus make the glass therefore lighter.

Mr. OLMSTED. Well, some breaths are stronger than others. [Laughter.]

Mr. WACHTER. And is it not also true that the amount of glass taken up for the bottle varies in different cases?

Mr. GRAHAM. That is also correct.

Mr. LAMAR. Mr. Chairman, I ask unanimous consent to have read the following letter, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to have a letter read. Is there objection?

There was no objection.

The Clerk read as follows:

APALACHICOLA, FLA., *May 9, 1906.*

Hon. W. B. LAMAR,
House of Representatives, Washington, D. C.

MY DEAR SIR: The undersigned, who is engaged in the packing business in the district represented by you in Congress, respectfully calls your attention to subsection 3 of section 7 of the pure-food bill, which applies to canned goods and reads as follows:

"If in package form the quantity of the contents of the package be not plainly and correctly stated in terms of weight or measure on the outside of the package."

The adoption of this would mean that each can of fruit or oysters packed by us would have to be separately weighed and the quantity of its contents stamped on the outside of the same, an entirely impracticable procedure, which would benefit no one and render a successful management of our business almost impossible.

There is no objection to the pure-food bill if it guarantees to the consumer what its name implies; but this section would not accomplish the purpose sought, and its adoption would mean a serious menace to this important industry in your district.

Yours, respectfully, JOHN G. RUGE.

Mr. SHERMAN. Mr. Chairman, I move that all debate on this amendment——

Mr. MANN. Oh, I wish the gentleman would not do that.

Mr. SHERMAN. I do not mean to close debate now, but I wish merely to fix a time.

Mr. MANN. All of the debate on this amendment has been on the gentleman's side so far.

Mr. SHERMAN. I was going to say in thirty minutes, which was to be under the control of the gentleman from Illinois [Mr. MANN], but if the gentleman does not desire such a motion made I shall not make it.

Mr. HOWELL of Utah. Mr. Chairman, I am heartily in favor of the amendment proposed by the gentleman from New York [Mr. SHERMAN]. It has been clearly established that it is impracticable in the process of canning fruits and vegetables to obtain a uniformity of weight in each can. Now, I concede that the object sought by the committee—to prevent imposition and deception upon the public—is entirely praiseworthy, but I am constrained to hold the opinion that the gentleman from Illinois [Mr. MANN] underrates the intelligence of the American consumer. The manufacturer of reputable goods of full measure and superior quality has no fear of an unscrupulous competitor who stints his measure and disregards the quality of his goods. His ways will find him out and bring about his undoing. The honest, reputable canning establishment will triumphantly survive and drive out of the market all such dishonest concerns.

The consumer can easily protect himself against short weight and similar deceptions without the aid of this legislation. I have received many protests from the manufacturers of canned goods protesting against this provision of the bill. Tomatoes and fruits are canned in large quantities in my State. The companies engaged in this industry are all conducting a strictly honorable business, and in a large degree contribute to the general prosperity. Their product has won a high standard of excellence, and they are jealous and watchful of their standing and reputation. They know better than those not familiar with the practical business what is an obstacle and a hardship upon them. It is manifestly unwise to hamper and annoy these beneficial and necessary industries. This legislation has grown out of a demand for protection to the public health rather than to guard the pocketbook. Its paramount object is and ought to be the prohibition of deleterious and injurious foods and drugs. The public are helpless against the artful and unscrupulous adulterations which are palmed off on them. Many of these have been shown to contain substances that are detrimental to health, and much fraud and deception has been practiced upon the people. This measure is the result of a universal demand for relief. If it meets the hopes and expectations of its friends, which I believe it will, in purifying and rendering wholesome the foods and drugs that enter into daily consumption, its founders and promoters may well deserve the name of "benefactors."

We may not be able by this measure or any other to absolutely prevent fraud and deception, and it is a debatable question how far the Federal Government ought to enter upon this extensive and unlimited field where the end sought is purely a monetary one. It is plainly evident, however, to anyone who gives the subject a moment's consideration that the small protection to the pocketbook attempted by this provision respecting food packages is insignificant and unworthy of public consideration compared to the gross frauds and deceptions practiced upon the public in the great multitude and variety of manufactures other than food products. I hope the pending amendment will be adopted.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WILLIAM W. KITCHIN. Is it in order at this time to offer amendments to this bill?

The CHAIRMAN. It is not in order now until this amendment is disposed of.

Mr. WILLIAM W. KITCHIN. Then I shall ask unanimous consent to offer an amendment to the first section and let it be considered as pending.

Mr. MANN. Mr. Chairman, I shall object to that at this time.

The CHAIRMAN. Objection is made.

Mr. MANN. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for fifteen minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that he may be permitted to proceed for fifteen minutes. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, the pending amendment is the so-called "package amendment." The committee amendment is one which will require that all packages be either labeled with the quantity of the contents in the way of weight or measure or else under regulations established by the Secretaries of the Treasury, of the Department of Commerce and Labor, and of the Department of Agriculture they shall be stamped the standard size which they purport to be. Most canned goods—and this controversy seems to center around the canned-goods proposition—are in standard-size packages. Cans are known as No. 1, No. 1 tall, No. 1½, No. 2, No. 2½, and No. 3. They are not sold by the trade as 1-pound, 2-pound, 3-pound cans, etc., although, in the very circular letter which the canners have sent to us, they refer to these cans as 1-pound, 2-pound, and 3-pound size cans, and, as I read to the House the other day, they are not only advertised by the stores as 1-pound, 2-pound, and 3-pound cans, but commonly are called by the storekeepers as such. If there were no variation, it would make but little difference whether they were marked or not. If the cans were all made true to the standard size, so far as canned goods are concerned, there would be no occasion for this amendment, but as I wish to endeavor to demonstrate to this committee that in No. 3 size cans, for instance—and I take that size simply for illustration—there is a variation in the size of the cans, a variation intended to defraud the purchaser, a variation intended to save to the producer by limiting the quantity that is put in the cans.

And the proposition which is submitted from the committee upon this question is far more for the protection of the honest producer, the honest canner, than it is for anybody else, because it enables him to put up his goods in standard-size cans, knowing that some less honest canner shall not offer his cans, purporting to be No. 3 and containing less, at a less price.

Mr. BURTON of Delaware. I would like to ask the gentleman——

Mr. MANN. I am perfectly willing to yield to questions, but I beg to say to the House that I have asked for as little time as I thought I could get along with. If I have any time left, I am perfectly willing to yield to questions then. Now, for instance, here are two cans [exhibiting], each marked "tomatoes." This can is sold for a 3-pound can—not marked 3-pound can; none is so marked—packed by a Baltimore firm. The weight of it is 2 pounds 5½ ounces.

Mr. WADSWORTH. How will the customer know the groceryman's scales are correct?

Mr. MANN. All I can say about these scales is that they are furnished by the Bureau of Standards as being correct.

Mr. WADSWORTH. Let me ask the gentleman from Illinois how will the customer know that the scales of the groceryman are correct?

Mr. MANN. These are not scales in the other groceryman's place; these are scales supplied by the Bureau of Standards of the Government. If the gentleman will permit me to proceed with my illustration, I will be very greatly obliged. That can, as it stands, as I say, contains 2 pounds 5½ ounces. It is a 3-pound can, supposedly. Now, gentlemen constantly say that these cans vary in weight, according to the quantity of the contents, according to the thickness of the contents; that some tomatoes weigh more than others. Very well, we will try water and see how much this will weigh. It is very evident I have not opened the can until now. [Filling can with water.] Now, filled with water, and not full, it weighs——

Mr. GAINES of Tennessee. Is that pure water?

Mr. MANN. More than it does with tomatoes in it. Evidently there is a little differnce in the specific gravity between the can of tomatoes and the can of water. It was filled a little fuller with water, but practically the same.

Mr. CROMER. How much did it weigh with the water?

Mr. MANN. Practically the same, but a trifle more. It is fair to say to the House that none of these cans is filled quite

full; undoubtedly there is a little difference in favor of the specific gravity of tomatoes. They are a trifle heavier, but none of these cans in my observation has yet been filled full with any article. Now, that is no reflection upon the article, because of course all canners and all gentlemen understand it is absolutely impossible to have any of these cans filled full of any of these articles, because they are filled with heated material and there is a shrinkage after they are cooled. But that was a can of tomatoes made in Baltimore; a No. 3 size can. It weighed 2 pounds 5½ ounces. Now, I have a can that weighs 2 pounds 9½ ounces, the same number can——

Mr. GAINES of Tennessee. Where is it made?

Mr. MANN (continuing). New Jersey. So far as standard size is concerned, this one is standard size. The smaller can is not No. 3 standard size. That can was a fraud upon somebody. It purported to be a No. 3 can, and it was not a No. 3 can. It was sold for a No. 3 can and was not a No. 3 can.

Mr. SHERLEY. Will the gentleman weigh the empty can?

Mr. MANN. I will in a minute if the gentleman will pardon me. Now, the difference between these two cans was a quarter of a pound. Gentlemen, see that this can filled with water weighs more than the can of tomatoes. The specific gravity of the two is practically the same. Now, the gentleman wants the cans weighed. [After weighing the can.] That can weighs six ounces and a quarter, or a trifle more. [After weighing the other can.] That can weighs five ounces and a half.

Mr. SHERLEY. What is the difference between the weight?

Mr. MANN. The difference is three-quarters of an ounce.

Mr. WACHTER. Are they both the same sized can?

Mr. MANN. No; I said that one was a smaller-sized can than the other.

Mr. GAINES of Tennessee. You said that one was a fraud, and now you say that one of them is not.

Mr. MANN. One of them is a real No. 3 standard size, and the other purports to be a No. 3 standard size can, bought in the trade for a No. 3 standard size, but it is not. Now, I am sorry that the gentleman from New York [Mr. PAYNE] for the moment is absent.

Mr. WACHTER. Will the gentleman permit a question? Is the 3-pound standard size supposed to be a 3-pound can?

Mr. MANN. A 3-pound standard size is not supposed to be a 3-pound can. The 3-pound standard size weighs, gross, including the weight of the can, about 2 pounds 10 ounces. There is a variation from 2 pounds 9½ ounces sometimes to 2 pounds and 11 ounces. It does depend somewhat, not upon the specific gravity, because that is almost the same as water, but a little bit upon how full the can happens to be. But while the gross weight is given as 2 pounds 10 ounces, on the average 6 ounces of that is can.

Mr. MONDELL. Will the gentleman yield for a brief question?

Mr. MANN. If the House will be considerate enough to extend my time a little.

Mr. MONDELL. I simply wanted to ask the gentleman what was the widest range in weight between the different cans of tomatoes he has found, in ounces—how much they differ?

Mr. MANN. I think the widest range I found in tomatoes was between 2 pounds 4½ ounces and 2 pounds 10½ ounces, gross.

Mr. MONDELL. Probably one was the standard so-called "3-pound can" and the other the so-called "2½ pound can."

Mr. MANN. Yes. Now, the gentleman from New York [Mr. PAYNE], who is quite keen of intellect—not only quite keen, but extremely so—took the trouble the other day to examine a couple of packages I had on the desk here, and after an examination and careful comparison of them, stated on the floor of the House that evidently they were the same sized cans, but that they weighed differently. [After weighing cans.] That they weigh differently is easily noticed here. Now, I should have said that possibly they were of different sizes. I am sure that no housewife by looking at them could tell whether they were of different sizes—perhaps they are the same size. I have no way of telling except by looking at them. The gentleman from New York, after a careful examination, insisted that they were the same size, and hence that the difference in weight must be on account of the contents. The only way I know of testing that is by weighing them. That may be the case. [After weighing can.] That can weighs, with the contents, 2 pounds 5½ ounces.

Mr. WACHTER. Where is that from?

Mr. MANN. That is from Maryland. [Laughter.] [After weighing the other can.] We want to give Maryland her due. There is one that weighs 2 pounds 3½ ounces. That is the only instance, I may say to my beloved friend from Maryland, where I found that the Maryland goods weighed more than the goods from the other States. And, wishing to give Maryland the benefit of any doubt, I make the illustration. That [indicating] is a Maryland can that weighs 2 pounds 5½ ounces, the other weighs 2 pounds 3½ ounces. The difference may be in the weight of the can, for all I know. [Weighing the can.]

The CHAIRMAN. The time of the gentleman has expired.

The question is on agreeing to the amendment.

Mr. SHERMAN. Mr. Chairman, I ask unanimous consent that the gentleman may be given such further time as he desires.

Mr. MANN. I do not wish to take that. I will take ten minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that he may proceed for ten minutes.

Mr. MANN. One of those cans with the contents weighed 2 pounds 5½ ounces and the other weighed 2 pounds 3½ ounces, and the difference in the weight of the cans is one-half ounce.

The difference in the weight of the contents was 1½ ounces. One and one-half ounces is not a great deal, but a considerable difference in these cans. [Pouring water into the can.] Already a great deal more than there was by weight. Gentlemen can see. I weighed the cans, and the can is filled a little too full of water. A can full of water weighs considerably more than a can purporting to be filled with fruit. Now, in this case I find there is no appreciable difference in the weight of the contents of the can with water and the same can when filled with fruit. These were marked "extra heavy sirup," these fruits; and these were peaches, and the weight of the contents in extra heavy sirup was half an ounce more than the same with water.

Mr. LACEY. May not steam bubbles have accounted for the difference?

Mr. MANN. Of course, as I stated before to the gentleman, no one complains because the cans are not filled level full with fruit, because it is impossible. The cans are filled full of the article when heated, and that is as full as they can be filled and solder them up, properly enough. A gentleman made the statement here the other day that there was a difference of 6 ounces in the weight of the same class of article, depending upon whether it was new or old. I wish to say to the House that there is not a difference of 1 ounce in weight in the contents of a can, whether it is new peas or old peas. You can take new peas that are perfectly fresh and juicy, and can them, and then take a can of old peas, and fill the can with water, and there is not a difference of weight of half an ounce to the can.

The same runs through all, and I will not take up the time to open a lot more cans. But perhaps it would be better——

Mr. GAINES of Tennessee. I wish to ask the gentleman a short question.

Mr. MANN. I yield to the gentleman.

Mr. GAINES of Tennessee. It seems that they have trouble about making these glass measures, because they have to blow them in a certain way. What is the difference between that and the one that the apothecary has, for he has an absolutely perfect one—2 and 3 ounce, and so on, vials—from which he sells, on orders, strychnine and various other medicines?

Mr. BURTON of Delaware. There never was a perfect one.

Mr. MANN. The talk about the difference in glass measures is all moonshine.

Mr. GAINES of Tennessee. I thought so.

Mr. MANN. Of course it is impossible to make any two things in the world identically alike. That never has been done by man or God. It is not possible to make two glass bottles identically the same size, but there is practically no difference. Does anybody think here that a bottle of liquor containing a pint and a half was intended to have put into it 2 pints?

Mr. WACHTER. Will the gentleman allow me to ask him a question?

Mr. MANN. I can not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. MANN. I can not yield now, because I have not time. Now, I wish to call the House's attention to this fact: We are not asking that these canners shall stamp their standard-size can with the quantity in the can. What we ask is that authority be given by which a man should, if he uses a No. 1 standard size, stamp it "No. 1 standard size," and use a No. 1 standard size; and if he uses a No. 3 standard size, stamp it as a No. 3 standard size or put on the label "No. 3 standard size;" and if he uses No. 2, let him stamp that as No. 2 standard size. We do not ask them to do an impossibility, and I dare say that if this provision becomes law it will within eighteen months, the time that it goes into effect, be the most popular legislation with the legitimate canners that was ever put upon the statute books. [Applause.] Why should a man who is using a No. 3 standard size can to put up tomatoes be forced into competition with a man who uses a short-weight can for the benefit of the department stores, for the benefit of the mail-order houses, in competition with the legitimate trade? We do not

ask an impossibility; we ask a fair thing for the fair producer and the fair thing for the purchaser and the customer, and I think if gentlemen fail to adopt this amendment at this time they will all regret it, and, in my judgment, if it should not become a law at this session of Congress it will not be long before the people will demand an even more stringent provision. I hope that the amendment of the gentleman from New York will not prevail.

Mr. STEVENS of Minnesota. Just a word. I think the particular amendment of the gentleman from New York ought to be discussed for just one moment, so this committee can judge as to its effect. It provides, if I heard it read correctly, that where goods are labeled as to weight or measure, the weight or measure of the goods in the package shall be correct, under penalty of being misbranded. The effect of that would be, as to canned goods, that there would be no weight or measure at all placed upon any canned package in the United States. That provision really would prohibit such statement, for the reason that these cans are made not for weight or measure, but in standard sizes. They are not made to be sold for weight or measure, and could not be labeled as to weight or measure, but they would be sold by weight and measure just the same.

There is nothing in this bill to prohibit just exactly what these canners ask for in this circular, the privilege of calling their standard-size cans weight cans and selling them as they do now to be worked off on the public as cans sold by weight. They would not label them weight cans, they would not have to label them weight cans, but they would sell them for weight cans. The dealer would advertise them as weight cans to the public just exactly as they do now. The department stores, the catalogue houses would advertise them in the great newspapers as cans of so much weight and as holding so much goods. The public would buy them as weight cans, just as they do now. Yet they would be standard cans under the size of the standard without any label to inform the public of the swindle, just as now. The amendment of the gentleman from New York would allow that kind of a fraud to be perpetrated, and would rather encourage and legalize it because furnishing a cover for its perpetrators, and for that reason ought not to be in this bill.

Mr. CROMER. I should like to ask the gentleman from Illinois, if there is a can known to the trade as a "standard," why do you seek in your amendment to compel the man who uses the standard can, and who, according to your construction, is honest, to go to the trouble of labeling his can? Why not compel the men who use other than the standard cans to label their cans?

Mr. MANN. All we propose to do is to have him label it "Standard can," so that they will know whether it is standard or not.

Mr. CROMER. That is the trouble——

Mr. MANN. Oh, there is not the slightest trouble about printing on a label "Standard No. 1," any more than there is in printing a picture of a peach.

Mr. MONDELL. Mr. Chairman——

The CHAIRMAN. The gentleman's time has expired. The question is on agreeing to the amendment offered by the gentleman from New York.

The question being taken; on a division (demanded by Mr. MANN) there were—ayes 97, noes 52.

Mr. MANN. I ask for tellers.

Tellers were ordered; and the Chairman appointed Mr. SHERMAN and Mr. MANN.

The committee again divided; and the tellers reported—ayes 112, noes 45.

Accordingly the amendment to the amendment was agreed to.

The committee amendment as amended was agreed to.

Mr. ADAMSON. Mr. Chairman, I move to amend the pending amendment by striking out all after the first word "that" and inserting the language which I send to the Clerk's desk.

The Clerk read as follows:

That from and after the passage of this act all articles of food or drugs transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall, upon arrival in such State or Territory, be subject to the operation of and effect of the laws of such State or Territory enacted in the exercise of its police powers to the same extent and in the same manner as though such food or drugs had been produced or manufactured in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages.

SEC. 2. That the term "food" as used herein shall include all articles used for food, drink, confectionery, or condiment by man or other animals, whether simple, mixed, or compound. That the term "drugs" shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or other animals.

Mr. ADAMSON. Mr. Chairman, this is the proposition submitted by the minority in the views which they have presented.

Gentlemen on this floor have expressed solicitude about prohibition States, and have declared a willingness to have the law so enacted that the prohibition sentiment in those States may be respected and their laws enforced.

Now, Mr. Chairman, this simply enlarges the provisions in the bill enacted in this Congress some years ago, relating entirely to the liquor question, and provides that as to all food and drugs, whenever they have reached the confines of a State, they shall be subject to the laws of that State.

Now, Mr. Chairman, if we could emasculate every section in this bill, as we have just emasculated the one about weights and measures, the whole bill would go to the country as a piece of waste paper, of no effect and no harm to anybody, and doing nobody any good, except those who are seeking to break down local regulations, in the insane cry for uniformity. Under that amendment, if a man professes nothing, of course he has nothing to perform, and the section is left ridiculous.

The Federal Government has the power under the Constitution to see that interstate commerce runs in regular currents, in regular course of trade through all States; but when it reaches a State line, and questions of morals or of deceit or fraud are raised, the whole commerce stops, because the State and the State alone has the power and the duty to regulate questions of morality and fair dealing within the State, no matter whence the subject of complaint comes. You can not get around it at all. I invite all gentlemen who are willing to protect the laws of the prohibition States, and all gentlemen who are willing to permit fair deaing in all the States, to vote for this amendment. There is no such thing as uniformity.

Mr. SHERLEY. I would like to ask the gentleman if this amendment he proposes is what is known as the Wilson Act?

Mr. ADAMSON. Yes; amplified.

Mr. SHERLEY. Amplified in what respect?

Mr. ADAMSON. As to all articles.

Mr. SHERLEY. It doesn't make it apply before delivery, but after delivery.

Mr. ADAMSON. After it has been deposited inside the State, and then the fact that it comes in in the original package makes no difference.

Mr. SHERLEY. The gentleman understands that the Wilson Act as construed by the Supreme Court applies only after delivery to the consignee?

Mr. ADAMSON. Yes; and this applies to goods when delivered inside the State.

Mr. SHERLEY. Before delivery?

Mr. ADAMSON. I understand so.

Mr. SHERLEY. This is a copy of the bill known as the "Hepburn-Dolliver bill," extending it to other articles.

Mr. BARTLETT. If the gentleman will permit me, I want to say that I drew this bill and introduced it into the House. It is a copy of the bill I drew, and it is a copy of the Wilson bill applied to food and drugs.

Mr. SHERLEY. Then it only applies after delivery to the consignee, as construed by the Supreme Court.

Mr. BARTLETT. It is the Wilson bill, except as to the subject-matter. The gentleman from Kentucky will remember that I conferred with him about it before I introduced it.

Mr. ADAMSON. Mr. Chairman, I was proceeding to make an observation on another phase of the subject, and I fear that this interruption will consume my time, and I ask unanimous consent that I may have two minutes more.

The CHAIRMAN. The gentleman from Georgia asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. ADAMSON. I was about to speak of the idea which impels manufacturers and others to seek uniformity and to force their goods on communities contrary to regulations of those communities. I want to say that the idea of uniformity is a chimera; it is not practical in law; it is not practical throughout the confines of this great country. It is not true to nature; it is an anomaly and an abortion in nature. One star differs from another star in glory, the leaves differ, men differ, all things differ. The notions of things and the people in the different States differ. The fundamental ideas of honesty and fair dealing differ among different people in different sections, and it takes all these things to make a great country like this. I say to you again, what the States object to is not that the people are unable to attend to their own business and not that the folks are unable to legislate for their own protection in a State like half a dozen I could name, which show themselves able to take care of themselves and do not want the interference of other people. They object to the effort on the part of Congress

to force into them contrary to their laws, contrary to their interests, contrary to their ideas of right and justice, commodities and goods that are calculated to deceive and rob and swindle.

I know of a great many States in which the people instead of asking Congress to help them to protect the morals and lives and health of the people ask only that other people let them alone; that their right under the Constitution be recognized to protect themselves from folks in other communities and prevent them from injuring, violating, and overriding local rights and local intelligent common sense. This country is only made up of aggregated intelligence and honesty of the people, and anybody who deprecates the virtue and intelligence of his own State and appeals to these Halls to seek superior intelligence and honesty from the Federal Government in the administration of the affairs of his people, derogates from the character of his people and degrades the State in which he lives. [Applause.]

The CHAIRMAN. The Chair desires to state for the information of the committee that while this is not a substitute technically, it is in effect, and the Chair will treat it as pending and will not put the question on it until amendments affecting the bill have been acted upon.

Mr. RICHARDSON of Alabama. Mr. Chairman, I offer the following amendment.

Mr. SHERLEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SHERLEY. I understood the gentleman from Georgia to offer an amendment, and I understood the Chair yesterday to state that amendments would be considered as offered. I suppose they are open to discussion.

The CHAIRMAN. This amendment is a substitute, and it is an amendment to strike out the entire paragraph. Under the rules, before the question is put on that amendment, amendments seeking to perfect the text will first be put to the committee.

The Clerk read as follows:

Add after the word "ingredients," line 25, page 21, "and that does not conflict with any of the provisions of sections 6 and 7 of this bill."

Mr. RICHARDSON of Alabama. Mr. Chairman, there were something over 105,000,000 gallons of imitation whisky disposed of, consumed, and sold in the United States last year. A little over 2,000,000 gallons of whisky in its original integrity was consumed by the people of the United States. The United States census declares the most of that 105,000,000 gallons to be made of "neutral spirits and drugs." I have always been, as I took occasion to say briefly yesterday, an earnest advocate of the pure-food bill. I am equally that to-day, and I desire above all things else to avoid any discrimination in this bill against any food products, either in mislabeling or adulteration.

I desire that there shall be no discrimination as to the application of adulteration or misbranding any product included in the food list. We have no justification in conscience or law to make a rule in this bill that applies to one food product and not to another. My amendment is simple and plain and easily understood. It is, on the twenty-fifth line, page 21, of the bill, after the word "ingredients," to add "and that does not conflict with any of the provisions of sections 6 and 7 of this bill."

If we mean to do what is consistent with the spirit of this bill—if we mean not to exclude any subject-matter in this bill under the definition of food, under which whisky is included—then we will adopt this amendment, and for this reason: That as the bill now stands, in the provision for "blend," in lines 23 and 24, page 21, "not excluding harmless coloring and flavoring ingredients," it stands as a provision palpably and intentionally in conflict with the definition that is given of adulterated and misbranded food in the first clause of the bill as to adulterated food. It reads (page 19, line 5):

If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

Second. If any substance has been substituted wholly or in part for the article.

Fourth. If it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed.

Now, with reference to "misbranded" in this bill as defined, the provision as to blending conflicts directly with the first paragraph of the subdivision on page 20:

If it be an imitation of or offered for sale under the distinctive name of another article.

Second. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so.

I desire, Mr. Chairman, to make a practical illustration of this. Let us take, for example, an empty quart bottle and put in it one thimbleful of 8-year-old whisky, and set beside it another quart bottle filled with 8-year-old whisky. You have, then, in one bottle one thimbleful of 8-year-old whisky and in the other quart bottle sitting beside it a full quart of 8-year-old whisky. What does the "rectifier" do? He takes a half pint of fresh new whisky, right from the still and puts it into the quart bottle that contains the thimbleful of 8-year-old whisky. Thus far he has complied with the law in blending "like substances." Then he puts in his different chemicals and drugs, his oils, his prune juice, his flavoring or rye essence, his bead, and his aging chemicals, and with those things, between sunset and sunrise, he makes his blended whisky and marks it "Eight-year-old whisky," "Pure old Kentucky whisky," and it goes to the whole country as a genuine straight product.

Mr. WANGER. Mr. Chairman, will the gentleman allow me to ask him a question?

Mr. RICHARDSON of Alabama. I yield.

Mr. WANGER. Do I understand the gentleman to say that he regards the drugs and oils to which he has referred as like substances to whisky?

Mr. RICHARDSON of Alabama. No; I did not say that. I say that when you put the half pint of fresh whisky just come from the still into the quart bottle where the thimbleful of 8-year old whisky is, you have got "like substances blended." Then you have, under the provisions of this bill, on line 24, page 21, to put in your "harmless coloring and flavoring ingredients"—that is to say, the rectifier gets his oil of Bourbon from Ohio, his prune juice from New York, his bead oil from Massachusetts, and aging oil from Michigan, and with the thimbleful of real whisky and the half pint of fresh whisky he in a few hours turns out a full quart of his imitation whisky. That is what you want put in, and that is what you make up the balance of the quart of whisky with, and that is what makes these 105,000,000 of gallons of whisky that the census pronounces "neutralized spirits and drugs."

The CHAIRMAN. The time of the gentleman has expired.

Mr. RICHARDSON of Alabama. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for five minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that he may be permitted to proceed for five minutes. Is there objection?

There was no objection.

Mr. WANGER. Mr. Chairman, I would like to ask the gentleman another question. Does the gentleman regard these oils and drugs as harmless articles?

Mr. RICHARDSON of Alabama. I do; but as imitation, and as deceiving the public, and intended to deceive by being misbranded and adulterated.

Mr. GAINES of Tennessee. It makes counterfeit whisky.

Mr. RICHARDSON of Alabama. Because they mix a half pint of fresh new whisky with a thimbleful of old whisky, and that is "blending like substances." Then they put the coloring and the flavoring matter in, giving it age, flavor, and smoothness, and the next morning they mark it "pure whisky," "whisky 8 years old." There is where the imitation comes in. Why do you not want to apply to this great product of whisky the same standard that you apply to labeling foods and to misbranding foods? What is the reason for it? Ah, Mr. Chairman, there is the test.

Mr. GAINES of Tennessee. How do you propose to stop it?

Mr. RICHARDSON of Alabama. By simply making it conform with the provisions of the bill that I have pointed out as to adulterated and misbranded goods. If it be labeled or branded so as to deceive or mislead the purchaser, if it has those concomitants in it, if it is new fresh whisky and one thimbleful of 8-year-old whisky and has this oil and caramel with prune juice and various other ingredients unknown to anyone, let them mark it as such. You have never heard yet of a bottled-in-bond whisky man undertaking to mark his whisky in imitation of the spurious and "neutral spirits" whisky. Oh, no; it is the neutral spirits dealer who marks and brands his in imitation of the bottled-in-bond whisky.

Mr. GAINES of Tennessee. How do you want this whisky marked so that you can tell it?

Mr. RICHARDSON of Alabama. I would like to have it marked as "blended whisky," and stating the ingredients in plain and simple terms—that is, what the blended whisky consists of. That is all. If a man wants to drink it, let him do it. I am trying to make the whisky man put the truth on the barrel, as we require them to label the different foods and medicines correctly. That is the broad and comprehensive meaning of this bill.

Mr. GAINES of Tennessee. And the gentleman is also trying to protect the real 8-year-old whisky.

Mr. RICHARDSON of Alabama. Yes; I am trying to protect that of which the Government gives a guaranty of its purity—the bond and bottle whisky, or any other whisky that is straight and correct.

Mr. CLARK of Missouri. This very section provides that they shall plainly indicate blends or imitations.

Mr. RICHARDSON of Alabama. Yes.

Mr. CLARK of Missouri. Pure whisky is as white as water, is it not?

Mr. RICHARDSON of Alabama. Yes.

Mr. CLARK of Missouri. And the coloring that is in the whisky, the red liquor, as it is called, comes from the charred inside of oak barrels, does it not?

Mr. RICHARDSON of Alabama. Well, that is supposed to be the fact—that is, you put in the charred barrel the original product that comes from the still—ethyl alcohol and secondary products.

Mr. CLARK of Missouri. The white whisky?

Mr. RICHARDSON of Alabama. Yes; and it stays in there for four years under the bottle and bond law, and it gets from the charred barrels certain colorings and certain flavoring that never can be acquired in any other way.

Mr. CLARK of Missouri. I desire to ask this question: If you put this whisky—that is, the original white whisky—in a barrel and it gets its coloring from the oak barrel, what difference does it make if some other harmless coloring substance is put in the whisky?

Mr. RICHARDSON of Alabama. Because it is an imitation. Why are you not willing to mark it on the barrel just exactly what it is, regardless of whether what has been added to it is "harmless" or not?

Mr. CLARK of Missouri. I would have everything marked if I was drawing the law; but I am asking you the question, What is the difference in principle between the white whisky colored with the charred oak barrel and the same whisky colored with something else that is harmless?

Mr. RICHARDSON of Alabama. Simply it is different; that by keeping it in the charred barrel four years it acquires age, color, and flavor.

Mr. CLARK of Missouri. That is a different proposition.

Mr. RICHARDSON of Alabama. It acquires age and color, and the other is an imitation and put off on the public as being the true and genuine article, made by flavorings and colorings that are harmless.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLARK of Missouri. I ask for five minutes for the gentleman, so I can ask him a question.

Mr. STANLEY. I want to answer the question of the gentleman from Missouri.

Mr. RICHARDSON of Alabama. I yield to the gentleman from Kentucky.

Mr. STANLEY. The color of whisky is an indicia to its quality and its age.

Mr. CLARK of Missouri. I understand that.

Mr. STANLEY. You put your white whisky into a charred oak barrel, and you can not go there the next day and draw out red liquor; you can not go there the next month and draw out liquor with a proper color; you can not go there the next year and draw it out.

Mr. CLARK of Missouri. Now, I will tell you what I am willing to do. I am willing to vote for a proposition to put a label on the whisky barrel so it will tell how old it is.

Mr. STANLEY. I am with you.

Mr. CLARK of Missouri. But I do not see why it hurts whisky to put harmless color or sweetening into it. My own judgment about that is that the more harmless color and sweetening matter you get into it the less damage the whisky is going to do, because you are not getting so much whisky. [Laughter and applause.]

Mr. RICHARDSON of Alabama. But you would rather have surely a pure article, if you want to drink it, than an imitation. You do not want to have all of these drugs, prune juice, extracts, etc., as the census report calls it, and probably a little wood alcohol thrown in for good measure.

Mr. CLARK of Missouri. Why can not you reach the object you are after by requiring these people to put on the bottle, the jug, or barrel the age of the whisky?

Mr. RICHARDSON of Alabama. And the other concomitants of the whisky, or substantially so, sufficient at least to inform a purchaser what he is drinking.

Mr. CLARK of Missouri. What are the other concomitants?

Mr. RICHARDSON of Alabama. Why, the aging oil, the prune juice, the rye essence, the bead—these are some of the coloring ingredients that enter into this imitation whisky.

Mr. DE ARMOND rose.

The CHAIRMAN. Does the gentleman yield to the gentleman from Missouri?

Mr. RICHARDSON of Alabama. I yield to the gentleman from Missouri.

Mr. DE ARMOND. Mr. Chairman, if I understand the gentleman from Alabama, his objection to the coloring is put upon this ground, that in the regular way whisky can be only colored in an oak cask after years of being there. That by using coloring matter whisky can be colored in an hour in imitation so as to deceive the buyer. Do I understand the gentleman correctly?

Mr. RICHARDSON of Alabama. That is exactly correct—that between sunset and sunrise they will bring out next morning, with all these concomitants of coloring matter, flavoring, etc., a barrel of whisky, that they mark on the head of it "Pure Kentucky whisky, age 10 years."

Mr. SHERLEY. Now, will the gentleman tell the House at what period of time the coloring of whisky by the charred barrel became the regular method of doing that?

Mr. RICHARDSON of Alabama. Oh, I do not know, Mr. Chairman. What has that to do with this question?

Mr. SHERLEY. I think it has a great deal——

Mr. RICHARDSON of Alabama. Mr. Chairman, I am satisfied that there are good, reputable gentlemen engaged in this business because it is allowed, and all I ask of this pure-food bill is that when you go to sell me anything you put the right name on the barrel or the jug, so I can tell what I am drinking; and I will tell you further than that——

Mr. BARTLETT. Your amendment virtually would mean that you would not have any other kind of whisky except what we call whisky bottled in bond?

Mr. RICHARDSON of Alabama. Not at all; it does not mean that, nor lead that way.

Mr. BARTLETT. I differ with the gentleman. I want to know if the gentleman is not aware that the blend and rectification of whisky is as much under the guidance and certification of the Government as the bottled whisky?

Mr. RICHARDSON of Alabama. No. I think not, for as I said in my remarks yesterday, the committee that reported the bottled-in-bond act said it was an assurance to the purchaser of purity.

Mr. BARTLETT. The gentleman is not familiar with the statute of the States, then.

Mr. RICHARDSON of Alabama. I think I am. I simply differ with the gentleman from Georgia [Mr. BARTLETT].

Mr. GAINES of Tennessee. One of your propositions is that a whisky that is made in twelve hours should not be labeled whisky that is 8 years old?

Mr. RICHARDSON of Alabama. That is it. I have stated it plainly.

Mr. GAINES of Tennessee. That is one of the frauds that ought to be stopped. Does not whisky get red with age?

Mr. RICHARDSON of Alabama. Yes; it acquires an amber color.

Mr. GAINES of Tennessee. And you want to protect that?

Mr. RICHARDSON of Alabama. I do. And the rectifiers give it a flavor by beading of some kind, with something like soap, and they put it in and mark it, and put it out to the country for 8-year-old whisky. I am simply contending, Mr. Chairman, if you please, for a truthful declaration by label or other mark, and I do not think any discrimination should be made in this bill between this great product and any other food product.

Mr. BARTLETT. I did not expect this amendment to come from a member of the committee, because I understood that the committee was agreed upon that point.

Mr. RICHARDSON of Alabama. If the gentleman from Georgia will allow me to interrupt him a moment, I will say that I told him a few minutes ago, sitting right there, that I intended to offer this amendment and I offered it with the full knowledge and consent of the Committee on Interstate and Foreign Commerce, because I objected to the proposition in the committee. I told the gentleman that, sitting right there.

Mr. BARTLETT. Yes, sir; you did. That is the first time I had heard of it.

Mr. RICHARDSON of Alabama. You heard it then.

Mr. BARTLETT. Yes, sir; I did. That was the first time I heard of it.

Mr. RICHARDSON of Alabama. You heard it then.

Mr. BARTLETT. Yes; I did. Mr. Chairman, I made that statement and I adhere to it. In connection with this amendment now offered, if adopted it will destroy that provision in the bill, which permits harmless coloring or flavoring ingredients to be added to whisky when blended or rectified. I will say that the whole effort behind the pure-food bill, as it was begun and continued, has been a contest between the bottled-in-bond whisky people and those who are rectifiers or who produce

blended whisky, the bottled-in-bond whisky people insisting that no one ought to be permitted to sell whisky except themselves, claiming that they are the only manufacturers of good whisky or pure whisky. I have not the time to detain the House with a discussion as to the merits or demerits of the one or the other. Both are bad enough. I do know that each one of them, both the bottled-in-bond and the blended or rectified whisky, contains poisonous substances, and I do know that rectified or blended whisky as hereafter made and offered for sale under the provisions of this bill when it becomes a law will be no more injurious than the bottled-in-bond whisky, the best of it, because under this bill, if it becomes a law, the blender will have to take two whiskies of the same character—that is, straight whiskies—and blend them together, either by reducing their proof or adding to them harmless ingredients or coloring matter, or by doing both.

The gentleman from Alabama [Mr. RICHARDSON] just now stated that the Government of the United States did not take the same care with reference to inspection of rectifiers and blenders as it does to the original manufacturer of whisky. I beg to call the attention of the House to sections 3317, 3318, 3319, and 3320 of the Revised Statutes, and to various other statutes, and to the constructions that have been put upon them by the Treasury Department, in which all care is observed to prevent fraud or the introduction of impurities. Not a step can be taken by the rectifier or by the blender which is not under Government supervision. And the effort here made to ostracise one kind of whisky and put the Government stamp of approval on another ought not to find its way into an alleged pure-food bill.

Mr. GILBERT of Kentucky. May I ask the gentleman a question?

Mr. BARTLETT. Yes.

Mr. GILBERT of Kentucky. The gentleman from Alabama [Mr. RICHARDSON] just now stated that this bill, in the shape in which presented, permitted a man to take a thimbleful of old whisky and fill up the balance of the vessel with new whisky and call it whisky eight years old, and put it upon the market as eight-year-old whisky and sell it. Is that true?

Mr. BARTLETT. I do not think it is. But under the provisions of this bill you can not do it, because every section it is proposed to amend defines what a blend is—that is, a blend is the mixing of two similar substances, two similar kinds of whiskies—and the amendment that was put upon it provided that if you add to it harmless ingredients for flavoring and coloring it should not be against the provision that defines blending. The Senate bill defined "blending" to be the combining of two similar substances. I offered the amendment in the committee, and it was agreed to by the Committee on Interstate and Foreign Commerce, which permits the use of "harmless coloring and flavoring ingredients," and if the pending amendment is adopted it will virtually emasculate that provision and destroy the business of the manufacturers of blended and rectified whiskies. A word in reference to the character of blended whisky, Mr. Chairman, and I am through. All whisky, when originally distilled, is white or colorless.

Now, anybody who has the idea that the color of whisky comes from age is not informed on that subject. My friend from Tennessee [Mr. GAINES] asked about that. You may take whisky and put it in glass for years, and it would still be white. It gains neither color nor flavor by age. These qualities are acquired from the way it is treated or kept.

The Commissioner of Internal Revenue, Mr. Delano, under date of September 16, 1869, which may be found in Volume X, Internal-Revenue Records, page 121, rendered a decision, from which I quote the following extracts:

> To mix any material with distilled spirits, wine, or other liquor, which does not result in producing either a spurious imitation or compound liquor, is not rectification.
>
> To determine whether the mixing is rectification or not under this clause of the statute, you must therefore look to the result to see whether *either* of the three kinds of liquors named is manufactured by the mixing. A spurious liquor is an imitation of and held out to be genuine.
>
> An imitation liquor is one that is an imitation of the genuine and held out as such imitation.
>
> A compound liquor is any liquor composed of two or more kinds of spirits mixed with any material which changes the original character of either so as to produce a different kind as known by the trade.
>
> It follows, therefore, that the mixing of liquors identical in kind as known by the trade does not constitute rectification.
>
> For instance, a party may mix a material with spirits, wine, or other liquor, which will not produce either a spurious, imitation, or compound liquor, but such mixing is nevertheless rectification if it results in either purifying or refining the spirits, wine, or other articles thus mixed.

From the foregoing it is apparent that a compound liquor is neither a spurious nor an imitation liquor, and that rectified whisky is neither a spurious, an imitation, nor a compound liquor.

What is described as "compound liquor" is known in the trade and applied to whisky as a "blend," which usually includes the addition of harmless flavoring and coloring matter.

A mixed whisky is a mixture of two straight whiskies, without the addition of anything else, and a rectified whisky is a whisky made by freeing the high wines from fusel oil and adding thereto coloring and flavoring.

There is as much governmental inspection and supervision, if not more, thrown around the business of the rectifier, blender, and wholesale liquor dealer as there is around the business of the distiller.

Section 3319, Revised Statutes of the United States, limits the persons from whom a rectifier or wholesale liquor dealer may purchase distilled spirits. Penalty, $1,000.

Section 3317a, Revised Statutes of the United States, provides that when a rectifier expects to rectify or compound distilled spirits he shall, before emptying any package of distilled spirits for that purpose, give notice in duplicate to the collector, and submit such package for the inspection of the United States gauger, who weighs, gauges, and makes return thereof to the collector.

Section 3320, Revised Statutes of the United States, provides that when a package is filled on the premises of a rectifier it shall first be inspected and gauged by a United States gauger, who shall affix a stamp thereto, etc.

Section 3318, Revised Statutes of the United States, as amended, provides that every rectifier and wholesale liquor dealer shall provide a book, to be kept in a form prescribed by the Commissioner of Internal Revenue, and that he shall on the same day on which he receives any spirits, and before he touches them or alters them in any way, enter in such book the name of the persons or firm from whom, and where received, by whom distilled, rectified, or compounded, and when and by whom inspected, the number of wine and proof gallons, the kind of spirits, and the number and kind of stamps thereon; and before he sends any spirits away from his premises he shall make similar entries, thus keeping a perfect account with the Government of everything which he receives in and everything which he sends out. He is, furthermore, required to keep this book open for inspection, and on or before the 10th day of each month he must send to the collector a transcript covering the preceding month. Any false entry or failure to keep the book is severely punished.

Section 3277, Revised Statutes of the United States, requires rectifiers to furnish facilities to internal-revenue officers to examine and gauge any vessel or utensil on the premises, and to supply all the necessary assistance for inspecting the premises, stocks, and apparatus applying to such persons, and for that purpose he must open all doors, boxes, packages, and casks for examination under a heavy penalty.

Section 3456, Revised Statutes of the United States, provides that if any rectifier or wholesale liquor dealer fails to do any of the things required by law or does anything prohibited by law and no specific punishment is mentioned by any other provision, he shall pay a penalty of $1,000 and forfeit all the liquors owned by him or in which he may have any interest.

There are about 1,000 real rectifying houses, and a Government gauger is assigned to each, and in addition there is quite a large number of special agents and assistants who continually inspect these places.

By reference to these sections it is apparent that it is not possible for him to do any of the disreputable things which have been charged to him and to which my friend from Alabama has called attention.

Mr. Chairman, everybody who has studied the question knows that blended or rectified whisky is no more injurious than straight or bottled-in-bond whisky—that the coloring of whisky does not come from age, but that it comes from ingredients added to it, or it comes from the barrel or from the wood in which it is placed. It is not dependent on the age but on the coloring matters which are added to it or which it extracts from the wood; and I will not vote to destroy one legitimate business in order to build up another—certainly not to establish a whisky trust. That is all I desire to say on this subject. [Loud applause.]

Mr. GAINES of Tennessee. I ask the House to permit me to be heard half a minute.

The CHAIRMAN. Wait a moment. Without objection, the gentleman may proceed for one minute.

There was no objection.

Mr. GAINES of Tennessee. I do not know anything about the "age" of whisky. I do not know anything about making whisky.

The CHAIRMAN. There is but little more than an hour left

to the committee, and no business will be done until we have order.

Mr. SHERLEY. Mr. Chairman, if the committee will bear with me, I shall endeavor to tell what little I may know in regard to the manufacture of whisky, in order that I may aid the committee in voting intelligently on the amendment offered by the gentleman from Alabama.

Whatever may be the difference of opinion as to the wisdom of this bill among Members, I presume that all men here are a unit in the desire that if we have a pure-food law, its purpose and result shall be purity of food and drugs rather than discrimination against competitors in trade. [Applause.] The reason I am on my feet to speak on this matter is because there has been a persistent attempt on the part of certain Members in the whisky trade to use the Congress of the United States to legislate them into prosperity and their competitors out of prosperity. To make legal their particular method of manufacture and to make illegal other particular methods of manufacture.

Now, there is on the statute books to-day an act known as the "bottled-in-bond" act. It gives peculiar advantages to the distiller, against which not one word of complaint has been had; but when, not satisfied with that act, they undertake to proscribe every man who does not put his whisky out to the public under the "bottled-in-bond" process as being a fraudulent dealer, it is proper to protest. I stated to the gentleman yesterday, and he has had twenty-four hours to take up the challenge, that if he could show me a line on the statute books that went to secure the wholesomeness or purity of whisky, in the true sense of the word purity, I would support an amendment such as he has offered, and he has not yet shown it to me.

Mr. RICHARDSON of Alabama. The strongest reference that I made then and can make now is the guaranty of an act of Congress saying that that whisky bottled in bond was a pure whisky.

Mr. SHERLEY. There is not anything in the bottling-in-bond act that says that. If one of the pages will bring me the bottle of Overholt whisky on the table there, I can state to the House what the green stamp does say. It carries some six things to the knowledge of the purchaser. It carries the knowledge that a certain distiller manufactured it. It carries the knowledge that the distillery is located in a certain internal-revenue district. It carries the knowledge that the whisky was made at a certain time, that it was bottled at a certain time, that it is a certain proof, that the tax of $1.10 was paid on it, that nothing has been added after distillation but water, and that is all it does guarantee. Now, what makes the purity of whisky, and how is it made? Whisky may be made out of corn, rye, barley, and various other grains. Its quality depends largely upon the quality of the grain, the quality of the yeast, the cleanliness of the mash tubs, etc., and the proper distillation. There is not one line of the internal-revenue law that looks to an inspection of the grain to see whether it is a pure grain or a musty grain; not a line which looks to see whether the culture of the yeast be a proper culture, or whether it contains bacteria which are harmful. There is not a line to say that when the whisky is distilled it is properly distilled, so as to get rid of the first run or the last run over, which contain the worst elements in whisky.

There has been a lot of talk about neutral spirits, about cologne spirits, as if that was some bugaboo to scare people. Those who know anything about the manufacture of whisky know that the purest ingredient in it is the neutral or cologne spirits. It constitutes from 98 to 99 per cent of all whisky of full proof, and it is absolutely pure. It contains the medicinal property in whisky. The more of ethyl alcohol, which is the neutral spirit, you have in whisky, and the less of fusel oil, the purer whisky you have.

Now, in the old days, before the internal-revenue tax came into existence, whisky was made by distilling neutral spirits from the grain and afterwards adding coloring or flavoring matter. The Kentucky whisky was shipped to Cincinnati, then the great market—sent there as white whisky and then colored and flavored to suit the purchaser. But subsequently it was discovered that by putting it in a charred barrel the whisky would, in the course of time, take a color and flavor; that the flavor increased and the color increased with age. In other words, they discovered another process of adding to the whisky coloring and flavor. Instead of adding the coloring and flavor directly by putting caramel in it to flavor and adding coloring matter to suit the public taste, they added these by taking a white-oak barrel, charring that barrel, and from the tannin of the oak and the char of the barrel they would get the flavor and color. Now, under the bottling-in-bond act, whisky has to stay in the warehouse four years before it can be bottled. There is no guaranty to any man who buys bottled-in-bond whisky that he is getting a high-grade whisky, that the grain out of which it has been made has been properly selected, that the yeast is a proper yeast, that the distillation has been proper. Under existing law it is absolutely possible to take whisky made at the time when the beer vats are sour, and the whisky itself is sour and musty, so mean that the slop of it would hardly be drank by cattle, and to run that into a barrel at the distillery, roll that barrel into a registered warehouse, let it stay there four years, bring it out, bottle the whisky under the seal of the United States Government, and impose it upon the public as pure whisky. If you wanted to legislate for purity, you ought to undo instead of piling up more law. There is not a "bottled-in-bond" man who does not advertise "the Government guarantees the purity of my whisky. See the green stamp of Uncle Sam." And yet, in point of fact, he knows that the only guaranty is that the whisky has gone through the distillery into the warehouse and has been bottled without anything else added. Now, the thing added may or may not improve the whisky. In this connection I want to say that there is a great distinction between fine blended whisky and what is popularly called "rectified whisky." There is a great misuse of the term "rectifying," which has become, in the mouths of some gentlemen, something fearful. Yet what does it mean? To make right; to purify. That was the original and true meaning of the word "rectification."

Mr. RICHARDSON of Alabama. If the gentleman will pardon me, the gentleman said that we used very flippantly the word "rectify," and that it was a great bugaboo. The gentleman will let me read to him section 3244 of the Revised Statutes, and then tell me if he thinks he is right:

> Every person who shall, by mixing such spirits, wine, or other liquid with any materials, manufacture any spurious, imitation, or compound liquors for sale under the name of whisky, brandy, gin, rum, wine, spirits, cordials, or wine bitters, or any other name, is to be regarded as a rectifier and as being engaged in the business of rectifying.

Mr. SHERLEY. Now, Mr. Chairman, the gentleman has illustrated extreme fairness by reading one-half of the law. Now, in order that we may have all of the law, I will read not from a circular, but from the Revised Statutes.

Mr. RICHARDSON of Alabama. I read all that portion that applied to the rectifying.

Mr. SHERLEY. All that applied to your contention. I do not mean to say that the gentleman did it intentionally, but the gentleman has been supplied with a lot of misinformation by people who have an object, and he has been made the unconscious means of giving to the House false information.

Here is the law which defines what a rectifier is:

> Every person who rectifies, purifies, or refines distilled spirits or wines by any process other than by original and continuous distillation from mash, wort, or wash, through continuous closed vessels and pipes, until the manufacture thereof is complete, and every wholesale or retail liquor dealer who has in his possession any still or leach tub, or who keeps any other apparatus for the purpose of refining in any manner distilled spirits, and every person who, without rectifying, purifying, or refining distilled spirits—

Now comes the part which the gentleman read—

> shall, by mixing such spirits, wine, or other liquor with any materials, manufacture any spurious, imitation, or compound liquors for sale under the name of whisky, brandy, gin, rum, wine, spirits, cordials, or wine bitters, or any other name, shall be regarded as a rectifier and as being engaged in the business of rectifying.

Now, what was the purpose of that act? Was it for the purpose of branding one particular man as engaged in a legitimate pursuit and another as engaged in an illigitimate pursuit? Not at all. The purpose was to collect $200 from a rectifier who rectified a certain quantity and $100 if he rectified a smaller quantity. That was the sole purpose. It was a fiscal law, not a law undertaking to define purity. It classifies a great many people engaged in a great many different occupations. A high-class blender stands just as high in the trade and is just as honorable and high class a man as is the distiller. The trouble with the public generally is that it has the impression that whisky must be one way in order to be whisky. The gentleman would have Congress legislate the exclusive use of the word "whisky" to a process that has not been in existence much more than fifty years, and it would put out of existence and deny the use of the word "whisky" to the makers of whisky by processes that have existed over one hundred and fifty years. It is to that sort of legislation under the name of "pure food" that I object. If you want to have a real regulation of the whisky business, have the Government inspect the grain when it goes into and is ground in the hopper; have the Government inspect the yeast and see that it is pure; have it inspect the vats; have it inspect the sanitary condition of the distillery and the warehouses, and then if you have the proper kind of a distiller, a man who knows his business, you may get a pure whisky, but you will not get it by virtue of any law that

is now in force. This matter has been thrashed out in committee——

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for three minutes more.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. SHERLEY. It was thrashed out more thoroughly in committee than it possibly can be here.

Mr. GAINES of Tennessee. Does the gentleman not think it is a fraud for a man to sell whisky that is only two years old as whisky that is eight year old?

Mr. SHERLEY. Unquestionably.

Mr. GAINES of Tennessee. How are you going to stop that?

Mr. SHERLEY. There is not anything in this act that will warrant a man selling whisky immediately made as six-year old whisky. There are a lot of things which are and ought to be prohibited. We do not desire, however, to compel one man to put on his label things that will carry to the popular mind the idea that his whisky is impure, using the word "impurity" now in its rightful sense, and to have another man, who may have the greatest of impurity in his whisky, simply because the manufacture has been by a different process, exempted from telling the public. The thing that is poisonous in whisky is the fusel oil. It may be in bottled-in-bond whisky and usually is in bottled-in-bond whisky in a higher percentage than it is in properly blended whisky.

Mr. RICHARDSON of Alabama. I will ask the committee to give the gentleman further time if he will allow me to ask him another question.

Mr. SHERLEY. Certainly.

Mr. RICHARDSON of Alabama. I would like to read to the gentleman the definition of the supreme court of Kentucky as to what a rectifier is. That is the gentleman's own State and the supreme court of that State. They say:

> The proof shows that the rectifiers and blenders take a barrel of whisky and draw off a large part of it, filling it with water, and then adding spirits or other chemicals to make it proof and to give it age, bead, etc. The proof also shows that from 50 to 75 per cent of the whisky sold in the United States is blended whisky. It is a cheaper article, and there is a temptation to simulate the more expensive whisky.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. RICHARDSON of Alabama. Mr. Chairman, I ask unanimous consent that the gentleman may be permitted to proceed for three minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the gentleman from Kentucky may proceed for three minutes. Is there objection?

There was no objection.

Mr. RICHARDSON of Alabama. Mr. Chairman, I would like to ask the gentleman what he has to say to that definition.

Mr. SHERLEY. I have no special dispute with the definition. It is true that rectifiers do put in cologne spirits or neutral spirits, an article purer than the whisky itself. It is also true that some rectifiers make bad whisky. It is also true that some bottled in bond whisky is bad whisky. I am not contending that one class are all saints and the other all sinners. It is that position that I object to in the gentleman from Alabama [Mr. RICHARDSON]. He undertakes to ascribe virtue to one class and to deny it to another.

In conclusion, I desire to say that this committee has worked days and weeks on this matter. They have had full hearings in regard to the matter, and there was not a subject canvassed more fully than this subject was. The committee has brought in its bill in its wisdom, and I maintain that this Committee of the Whole can follow with better judgment the wisdom of the whole Committee on Interstate and Foreign Commerce than it can the wisdom of one member of that committee. [Applause.]

Mr. STANLEY rose.

The CHAIRMAN. The Chair will recognize the gentleman from Kentucky.

Mr. CRUMPACKER. Mr. Chairman, I make the point of order that debate on this paragraph is exhausted.

The CHAIRMAN. The Chair sustains the point of order.

Mr. STANLEY. Mr. Chairman, I hope the gentleman will not make that point of order. The debate on this is very important, and there has but one side of this question been discussed during all that time.

Mr. CRUMPACKER. I do not like to——

Mr. STANLEY. I hope the gentleman will allow me five minutes.

Mr. CRUMPACKER. I will not object to the gentleman from Kentucky addressing the House for five minutes. [Cries of "Regular order!"]

The CHAIRMAN. Does the Chair understand the gentleman from Indiana to withdraw the point of order?

Mr. CRUMPACKER. I will not object to the gentleman from Kentucky addressing the committee for five minutes.

The CHAIRMAN. The gentleman from Kentucky is recognized for five minutes.

Mr. STANLEY. Mr. Chairman, in the limited time of five minutes it would be impossible to answer the gentleman who has epitomized all the arguments of the skilled attorneys for the rectifiers of whisky that have ever been uttered before this or any other committee. [Applause.] I want to say to you in the beginning that I will not make the confession that the gentleman from Kentucky has made that this is a trade war between two aspiring sets of distillers, and that I defend one of them. This is not a contest between two makers of whisky. I represent no special interest.

Mr. SHERLEY. Does the gentleman mean to imply that I stand here as the representative of any special interest?

Mr. STANLEY. Not at all. I take your word for what you say.

Mr. SHERLEY. All right.

Mr. STANLEY. I mean to imply you admit this is a conflict between two special interests, one of whom you defend.

Mr. RYAN. And the other you espouse.

Mr. STANLEY. No, sir. I stand here in the name of the health of the American people; in the name of honesty in business; just as much for honest whisky as for honest everything else.

Mr. RYAN. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. STANLEY. No; I do not yield to anybody. [Applause.] I want to say this, that I have no objection to a man blending two kinds of whisky, but I do object to his making any kind of whisky "while you wait." Here is a quart of alcohol, 100 proof strong. It will eat the intestines out of a coyote. It will make a howling dervish out of an anchorite. It will make a rabbit spit in a bulldog's face. It is pure alcohol, and under the skill of the rectifier he will put in a little coloring matter and then a little bead oil [illustrating]. I drop that in it. Then I get a little essence of Bourbon whisky, and there is no connoisseur in this House who can tell that hellish concoction from the genuine article; and that is what I denounce. [Applause.] I say that the coloring matter is not harmful; I say that the caramels are not harmful; but I say that the body, the stock, of the whisky I made is rank alcohol, and when it gets into a man it is pure hell. [Applause.]

Mr. SHERLEY. Mr. Chairman——

Mr. STANLEY. I decline to yield; I can not answer a twenty-minute speech in five minutes and carry on a colloquy. I say to the gentlemen of this House that no man is so ignorant that he does not know that there is nothing purer than alcohol. Alcohol 100 proof can be made out of rotten potatoes; it can be made out of a garbage barrel; it can be made out of a dead body, or anything else that will decay. Being pure it must not be implied that it is not harmful. Raw alcohol and new whisky are deleterious to the health of every man who drinks them; and by the adding of coloring and flavoring matter these substances are falsely sold as old whisky by the rectifier.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask unanimous consent that the gentleman may continue for five minutes.

Mr. SULLIVAN of Massachusetts. I object.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more, and that I may have five minutes on this amendment.

Mr. SOUTHARD. I object, Mr. Chairman.

The CHAIRMAN. Objection is made. The question is on agreeing to the amendment offered by the gentleman from Alabama.

The question was taken; and the amendment was rejected.

Mr. LAWRENCE. Mr. Charman, I offer the following amendment.

Mr. RICHARDSON of Alabama. Mr. Chairman, I ask for a division.

Mr. MANN. I think that the request comes too late.

The CHAIRMAN. If the gentleman from Alabama [Mr. RICHARDSON] was seeking recognition for a division, a divsion will be had.

The House divided; and there were—ayes 34, nays 76.

So the amendment was rejected.

Mr. LAWRENCE. Mr. Chairman, now I desire to offer an amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Massachusetts [Mr. LAWRENCE] offers an amendment, which the clerk will report.

The Clerk read as follows:

Insert at the end of the second committee amendment the following: "*Provided, however,* That dental preparations not made for public use, sale, or consumption, nor designed nor intended to be injected into the system, or used for internal ingestion into the stomach of human beings, but used for treating cavities in teeth and allaying the pain thereof, when sold direct to registered dentists, or through dental depots, for dental purposes, are exempt from the provisions of this act.

Mr. LAWRENCE. Mr. Chairman, I shall occupy the attention of the committee but a moment. This is an amendment which I introduce at the request of a constituent who is a physician and who manufactures a remedy used in dental practice. He feels that an injustice will be worked if he is obliged to publish the formula of his remedy, and he writes me as follows:

The pure-food bill as reported contains this provision: "That for the purposes of this act an article shall be deemed to be misbranded if it fail to bear a statement on the label of the quantity or proportion of any alcohol therein, or of any opium, cocaine, or other poisonous substance which may be contained therein."

Every drug I use in my preparations is a "poisonous substance" if ingested into the stomach. But my remedies are not used in that manner. They are made for, and can only be used by, dentists and dental supply houses. They are not sold to the public. My preparations contain some of the prohibited drugs. If I am compelled to make my formulas public, they will be imitated; and since inexperienced hands can not properly compound them, the desired effect will not be produced. The public, instead of being benefited, will be injured. My remedy, properly compounded, saves the teeth and also saves the patient from spending so much time in the dental chair. The pure-food bill, as I understand it, is to safeguard the public health where the public eat, drink, and ingest different substances into the stomach, both for food and drugs.

My remedies are for a different purpose—are not to be ingested into the stomach. Let me add that my remedies are not made for public use, sale, or consumption, but are employed only by physicians and dentists.

Mr. Chairman, I very heartily approve of the pending bill. The committee having it in its charge has done splendid work, and I shall vote for it with great pleasure. I am confident that its passage is demanded in the public interest. I wish, however, to ask the gentleman from Illinois if the committee carefully considered this feature, and if he can not accept the amendment I have offered to the bill? Will it not prevent such a hardship as the gentleman whose letter I have read calls attention to?

Mr. MANN. Mr. Chairman, the matter is not at all new to the committee. We all had communications from the same gentleman. There was some justice in his complaint in reference to the statement as to all "poisonous substances," but that has been eliminated by the amendment which was adopted yesterday; and the only provision in the bill as it now stands affecting the gentleman's remedy is the requirement that there shall be stated upon the package the amount of cocaine contained therein. This remedy contains cocaine. It is true it is not for internal use. On the other hand, I consulted with a large number of dentists in reference to this matter, and they invariably told me that in their judgment every package which was made for their use containing cocaine ought to have on it the name "cocaine," with the quantity, so that in using it they would know that they were using it and how much. [Applause.] I therefore hope the amendment will not prevail.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was rejected.

Mr. CROMER. Mr. Chairman, I desire to ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LACEY. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report.

The Clerk read as follows:

Add at end of section 12: "*Provided,* That nothing in this act shall be construed as repealing, modifying, or changing chapter 728 of the Acts of Congress, approved August 8, 1890."

Mr. LACEY. Mr. Chairman, I will ask the gentleman in charge of the bill [Mr. MANN] if this amendment would not be satisfactory?

Mr. MANN. Let me ask the gentleman from Iowa if the section he quotes is the original Wilson law in reference to the transportation of liquor?

Mr. LACEY. It is the original Wilson law.

Mr. MANN. Then the amendment is perfectly acceptable to me, and I hope it will be adopted.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

Mr. CLARK of Missouri. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Missouri [Mr. CLARK] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 17, amend by striking out the words between the word "aforesaid," in line 10, and the word "after," in line 17.

Mr. CLARK of Missouri. Mr. Chairman, I will read the whole sentence, and show what I want to strike out:

Any party so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed as aforesaid, and if it appears that any of the provisions of this act have been violated by such party, then the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, with a copy of the results of the analysis or the examination of such article, duly authenticated by the analyst or officer making such examination, under the oath of such officer.

My motion is to strike out all after the word "aforesaid" down to and including the word "officer," at the end of the sentence.

One of two things is true about the part I move to strike out. Either it is absolutely no good whatever, and has no efficacy to it or common sense in it, or it is undertaking to make a certificate of the Secretary of Agriculture and his analyst to be used by the district attorney as evidence against a man in a criminal court, where he is defendant against a criminal charge, and that is against the Constitution of the United States, and against the constitution of every State in the Union. I am unwilling to be a party to stultifying myself and the House of Representative and the entire American Congress by putting into this bill a thing that every man who ever poked his head inside of a criminal court knows is unconstitutional, and it is preposterous. [Applause.]

Mr. MANN. Mr. Chairman, I think the gentleman is entirely mistaken as to what would be the meaning of the language of the act. The provision of the bill requires that after the Secretary of Agriculture has made an examination and has given the defendant an opportunity to be heard, that if in the opinion of the Secretary of Agriculture there has been a violation of the law, he shall certify his opinion and the results of the analysis to the proper district attorney as a foundation for the district attorney to commence proper prosecution. What else would the Secretary of Agriculture do with his findings? For what purpose do we have it required that in place of commencing a prosecution in the district in which the article is found we have an examination first made by the Secretary of Agriculture, and if in the opinion of the authorities here there have been adulterations or misbranding, then he refers it to the district attorney, and he furnishes the district attorney his opinion? That opinion is not a matter of evidence at all. It is the basis upon which the district attorney proceeds; and instead of being, as the gentleman from Missouri would suggest, in violation of the rights of the person, it saves the rights of the person by requiring that before he shall be prosecuted the matter shall pass through the hands of the law officer and also through the hands of the Agricultural Department.

Mr. KEIFER. Let me suggest there is no provision in the bill that makes the certificate evidence in a criminal prosecution.

Mr. CLARK of Missouri. What do they send it for, then?

Mr. KEIFER. They send it there as information, so that he may institute proceedings.

Mr. MANN. Why, certainly.

Mr. KEIFER. It can not be made evidence against him before a jury.

Mr. GAINES of West Virginia. If my colleague will permit me, I will state to the gentleman from Missouri that it is for the purpose of saving the man from factious suits at the hands of petty officials.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was rejected.

Mr. BURGESS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amend section 12, page 25, by striking out lines 15 to 20, inclusive.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 18537) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907, disagreed to by the House of Representatives, had agreed to the amendment of the Senate No. 29, had agreed to the conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon, and had

appointed Mr. PROCTOR, Mr. HANSBROUGH, and Mr. SIMMONS as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 19844) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. PERKINS, and Mr. BERRY as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18750) making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 6483. An act to amend an act entitled "An act to legalize and establish a pontoon railway bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa; and

S. 6448. An act to authorize the Grand Lodge of the Independent Order of Odd Fellows of the District of Columbia to sell, hold, and convey certain real estate.

PURE-FOOD BILL.

The committee resumed its session.

Mr. BURGESS. Mr. Chairman, it is impossible in five minutes to satisfy anybody on the question of the power of Congress to exclude from the channels of interstate commerce impure food. For myself I have no doubt that the power exists under that clause of the Constitution which gives Congress the power to regulate commerce. I have no doubt of the wisdom of the exercise of that power. I have no doubt that the power to inspect the food is a necessary power in the execution of the power conferred. I voted upon that principle for the meat-inspection law recently in this session of Congress. But, Mr. Chairman, this power has its clear limitations—as definite as the power itself; and I voted against the quarantine bill, because I conceived that section 7 of that law carries the Federal power beyond its just limitations; and I conceive that section 12 of this bill is far more vicious and subject to the contention made then on section 7 of the quarantine law.

Now, gentlemen who have not read this—and doubtless there are many who have not—I invite your attention to section 12, and I invite your attention to the word "but" and the words following, and I invite your attention to the word "except" and the words following as a limitation upon the character of the declaration in the words of the first three lines. After the first three lines declaring that "This act shall not be construed to interfere with commerce wholly internal in any State nor with the exercise of their police powers by the several States," there is a limitation.

But—

Says these other lines—

But foods and drugs fully complying with all the provisions of this act shall not be interfered with by the authorities of the several States when transported from one State to another so long as they remain in original unbroken packages, except as may be otherwise defined by law or provided by statutes of the United States.

This asserts the direct proposition that if any article begins an interstate journey that such package transported and delivered and its carriage terminated as an interstate-commerce transaction may, because of its form and size and its color or its weight, be still hedged about by the Federal power and the police power of the State absolutely suspended so long as the condition of the package is not changed. I say that is illogical, contrary to every theory of our Government, and ought not to get into this bill; and I am not saying this now as a captious objector to pure-food legislation, because I am in favor of the main provisions of this bill.

More than that, the words beginning with the word "except" assert the power of Congress to legislate in the future over such unbroken packages within a State and destroy and nullify the State's authority in such cases. This is a monstrous doctrine, subversive of all the decisions of the Supreme Court of the United States and destructive of the police powers of the States. I can not support the bill if this language remains in it.

[Here the hammer fell.]

Mr. MANN. Mr. Chairman, I shall be very brief. The gentleman says he opposes this provision for the same reason that he opposed the provisions of section 7 of the quarantine bill, which passed the House by an overwhelming majority of both sides. The same reason for the quarantine bill applies to this provision. As amended by the amendment offered by the gentleman from Iowa, it unquestionably does not affect the whisky trade or the oleomargarine trade between States, and I can see no objection to it, except the old bugbear of States rights, which some of my genial friends from Texas have not received by instruction, but by inheritance.

I ask for a vote.

Mr. WILLIAMS. Mr. Chairman, I hope that the amendment offered by the gentleman from Texas [Mr. BURGESS] will be adopted. There are some of us here who may have old-fashioned ideas, but whether we have or have not, we can and will vote for this bill if this amendment is adopted, and we can not vote for it if it is not adopted.

The gentleman draws an analogy between this provision which we wish to strike out and that in the quarantine bill. There is positively none. The quarantine bill provided that after a train had been inspected and found to be free of disease, and the commodities and passengers upon it had been inspected, that it could be carried on *through* and beyond a State which had State quarantine laws against yellow fever into a State that had none; and this bill provides that this original package may be carried *into* the State and landed there, regardless of the laws of the State, whatever they may be.

Mr. BURGESS. I do not wish the gentleman to misunderstand me. I agree with him that there was room for disagreement among Democrats as to section 7, but there is no room for difference as to this section.

Mr. WILLIAMS. I am answering the argument made by the gentleman from Illinois [Mr. MANN]. The gentleman from Illinois said that the provision in the quarantine bill was the same as this.

Mr. BURGESS. That is not the case.

Mr. WILLIAMS. And he said there was the same reason for it.

Mr. MANN. The gentleman from Illinois stated that the gentleman from Texas [Mr. BURGESS] was opposed to this provision for the same reason that he was opposed to section 7 in the quarantine bill.

Mr. WILLIAMS. Then allow me, who on this floor defended section 7 of the quarantine bill to the best of my poor ability as perfectly constitutional and within the power of the Federal Government, to say that it bore no sort of analogy to this provision, and that whereas that was, in my opinion, constitutional, this is, in my opinion, obnoxious to the charge of violating the spirit if not the letter of the Federal Constitution.

The Federal Government has a right to regulate interstate commerce. It has no right to land anything in a State which is contrary, in the opinion of the State authorities, to the public health, the public morals, or the public policy in that State. The difference between the two is this: The Federal Government has absolute and plenary power in connection with the regulation of interstate commerce up to, but not beyond the point where it strikes the reserved police powers of the States. In the quarantine bill nothing was attempted to be done except to protect a train engaged in interstate-commerce transit across a State until it got to a State that had no law against its stopping. This undertakes to protect the article itself in being landed in the State; and I sincerely hope that the amendment offered by the gentleman from Texas [Mr. BURGESS] can prevail, if for no other reason than the old one our ancestors gave when they first passed the law for the toleration of religion, "out of regard for tender consciences." [Applause.]

Mr. BENNET of New York. Mr. Chairman——

The CHAIRMAN. An amendment is not in order at this time. There is an amendment pending.

Mr. CRUMPACKER. I make the point of order that debate on the pending amendment is exhausted.

Mr. MANN. I ask for a vote; but wish to say that if this amendment should be adopted it would prevent, for instance, the city of St. Louis from furnishing southern Illinois——

The CHAIRMAN. Did the Chair understand the gentleman from Indiana to make the point of order?

Mr. CRUMPACKER. I make the point of order that debate on this amendment is exhausted.

The CHAIRMAN. The point of order is sustained. The question is on agreeing to the amendment.

The question being taken, on a division (demanded by Mr. WILLIAMS) there were—ayes 42, noes 90.

Accordingly the amendment was rejected.

Mr. SOUTHARD. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Page 22, add a new paragraph, after line 6, as follows:
"*Provided*, That goods sold under an established distinctive or descriptive term shall not be deemed misbranded if label correctly and fully and plainly describes the goods."

Mr. SOUTHARD. Now, Mr. Chairman, this is a bill to prevent the manufacture and sale or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, etc. This bill is not intended to interfere with any legitimate industry, is not intended to prevent or interfere with long-established trade conditions where they do not result in any injury, deception, or fraud on or against the public, and I want to call your attention to one or two paragraphs in this bill.

Section 7 provides that the term "misbranded" used herein shall apply to all drugs or articles of food or articles which enter into the composition of food, the package or label of which shall bear any statement regarding the ingredients or substances contained in such article, which statement shall be false or misleading in any particular.

Now, on the next page, beginning at line 13, it says:

In the case of mixtures or compounds which may be now or from time to time hereafter known as "articles of food" under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Now I want to call your attention to the situation where a great wrong may be done if this amendment is not adopted. It is this: There are a large number of articles manufactured and sold under distinctive names and titles where no fraud or injury is occasioned by such manufacture and sale. To give one instance or illustration, here is an article called "cold cream." It has been manufactured for more than twenty years under that name of "cold cream." Everybody knows, every lady in the land who has perhaps used more or less of it knows, that it is not cream, and yet "cold cream" is the distinctive name of this manufactured article. I say everybody knows; almost everybody knows that that is so. Now, gentlemen know that no fraud is possible by the sale of this article under that name. Everybody that uses it knows it, and nobody can use it without knowing it. The trade has been established for twenty years or more, perhaps. This name has become the property of the men who manufacture it. It is as much their property as anything they own. And yet the manufacturer will be refused, he will be denied, hereafter the use of this name as applied to this article, provided this bill is passed in its present shape.

This proposed amendment, which I will read again—

Provided, That the goods sold under an established, distinctive term shall not be deemed misbranded if the label correctly, fully, and plainly describes the goods—

would allow this article and articles of a similar nature to be sold under their distinctive names.

This bill is for the purpose of preventing fraud and deception in the manufacture and sale of goods so far as we have jurisdiction to do it under the provisions of the Constitution under which we are operating.

With this amendment it will be impossible for any fraud or deception to be practiced, because upon the label it must be shown correctly, fully, and plainly what the goods are. I know the gentleman from Illinois will say that you might sell potted lamb for potted ham. That is probably true, but if anybody undertook to sell potted lamb for potted ham, and the ingredients of this package containing the potted lamb were plainly marked on the package, I venture to say that there would be a very slow sale for potted lamb—such a case may be conceivable, but in practice it would never happen.

Take another illustration. We will say a man has sold for twenty years and has built up a business in "Highland cream," or any other article sold under a distinctive name which might be considered misleading as to the ingredients of which it is composed. Cream may not be the predominant element of its manufacture, and might be considered objectionable under the provisions of this bill. It would be false in that particular, as described in one of these sections, and yet no fraud has been intended, none has been committed, and, under the provisions of this amendment, if adopted, none would be possible.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. MANN. Mr. Chairman, this amendment is in the interest of a particular brand of condensed cream. It was presented to the committee, and it was at one time agreed upon by the committee because at first it looked somewhat harmless.

Mr. SOUTHARD. If the gentleman will allow me, I do not understand him to say that I am presenting this amendment in the interest of any particular firm or person.

Mr. MANN. I did not say the gentleman presented it in the interest of anybody. The amendment is not new; we have been familiar with it for months. It was at one time agreed upon by the committee.

But when we began to see the scope of the amendment, we saw that if that amendment went into the bill you might as well not pass the bill. I give this one illustration which I gave the gentleman, but he did not give it correctly. I did not say that potted lamb might be sold for potted ham; but I said that potted lamb was sold for potted chicken, and that by his amendment they could continue to sell potted lamb for potted chicken, putting on one side in large letters "potted chicken" and on the back of the package, in letters so small that you can hardly see them "This article is made out of good quality of lamb."

Mr. SOUTHARD. Will the gentleman yield for a question?

Mr. MANN. Yes.

Mr. SOUTHARD. Does not this amendment provide that the labels shall state correctly, fully, and plainly the contents?

Mr. MANN. Why certainly, it provides that you can say one thing on the package and then turn around and say that that is false. What is the use of telling one thing on the package and saying in another place that it is false? That is what the amendment provides.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The question was taken; and the amendment was rejected.

Mr. WILLIAM W. KITCHIN. Mr. Chairman I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

After the word "receive," in line 3, page 15, insert the words "for commercial purposes."

Mr. WILLIAM W. KITCHIN. Mr. Chairman, if the committee will give me its attention I think I can show that this amendment ought to be adopted. The object of this legislation is to protect the consumers of the country against impure and misbranded foods and drugs as made by manufacturers and as handled by dealers. As this first section is now written in the bill, if a constituent of mine should order a bottle of medicine from another State, or should order a case of canned goods for his own use, and he should receive them in my State, if such medicine or goods are misbranded or impure under this bill, then the consumer who gets them, not for the purpose of trade, not for the purpose of sale, but for his own use, is guilty of a misdemeanor and indictable under this first section. I do not object to punishing the manufacturers of impure and fraudulent goods. I do not object to punishing the dealers who knowingly handle them; but why should you punish a consumer who buys for himself, for his own use, and not for the purposes of trade, such articles from another State?

In this day, when the magazines and newspapers advertise so many foods and drugs, and when the individual consumers buy so many articles of that character from distant cities, why should you make the innocent victims of impositions guilty of misdemeanor? As this section now reads, anyone who "shall receive in any State or Territory, or the District of Columbia, from any other State or Territory," etc., is guilty of a misdemeanor. I propose, after "receive," to put "for commercial purposes."

Mr. MANN. Mr. Chairman, I do not see any objection to the gentleman's amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from North Carolina.

The question was taken; and the amendment was agreed to.

Mr. CRUMPACKER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read, as follows:

Strike out the words "and for the information of the courts," in line 22, page 22.

Mr. CRUMPACKER. Mr. Chairman, section 9 provides that it shall be the duty of the Secretary of Agriculture to fix standards of food products when advisable for guidance of the officials in charge of the administration of the food laws and for the information of the courts, and to determine the wholesomeness or unwholesomeness of preservatives and other substances which are or may be added to the foods. The objection I have is to the language "and for the information of the courts," which would seem to imply that the standards fixed by the Secretary of Agriculture shall constitute the basis for indictment and criminal prosecution; that they shall be the basis for the penal provisions of the law. I do not believe that any officer of this Government ought to have the power, by rules and regulations, to enact penal and criminal statutes, and that must be the effect of this provision. Why should the section say "and for the information of the courts?" The court is not composed of the judge as an individual. It is an institution composed of the judge and the jury, if it be a jury case, while sitting officially for the discharge of judicial functions, and the only meaning that can be given to this phrase in the section is that it shall be

the basis upon which the question of crimes under the statute shall be determined.

If an individual is charged with having violated the provisions of the law, the question is not open for him, the question of fact, to be tried by the jury; but if the Secretary of Agriculture has certified that certain things are not up to the standard fixed or certain things are not wholesome, the whole question of fact is foreclosed. It is not open for determination by the court or jury.

Mr. HINSHAW. The gentleman does not believe that the certificate of the Secretary of Agriculture could be introduced in evidence as such and be conclusive as to the crime?

Mr. CRUMPACKER. This section undertakes to make it the basis of the crime. We have many bills pending, and we have passed some, authorizing the heads of Departments to make rules and regulations and imposing penalties, fines, and imprisonment upon any person who violates the rules and regulations. This comes within that same class of legislation. I do not believe under the Federal Constitution that any Department officer has the right to prescribe regulations which shall be the basis of penal prosecutions, but this section undertakes to confer that right. I do not see what other purpose this language could serve in the bill. If it were for the information of the United States attorney, it would be proper, but it is not. It is for the information of the courts. How can the court be informed? It fixes the basis practically for the court to determine whether the man on trial is guilty or innocent, and it violates every proper conception of criminal statutes.

Mr. MANN. Mr. Chairman, I think the gentleman from Indiana misconstrues the intent or meaning of the language. Under the proposition which we present it is desirable to have the same standard, if practicable, used in Maine that is used in California, and the same standard for Louisiana that we have in New York. There is no reason why the standard as far as practicable should not be the same. Now, we provide that the Secretary of Agriculture shall fix standards in accordance with the definitions and provisions of the act; and his act in fixing the standards shall be given for the information of the courts. That does not bind a defendant as to——

Mr. PERKINS rose.

Mr. MANN. If the gentleman will pardon me for a moment. That does not bind a defendant as to whether it is an adulteration or misbranding, but the court has before it, as it ought to have, the national standard, so that the court understands the standard that has been fixed in the opinion of the Secretary of Agriculture, which they are attempting to have enforced throughout the country, but the court is the final arbiter as to whether it is adulterated or misbranded under the act. Now I yield to the gentleman.

Mr. PERKINS. How can the court be informed in any way except by legal evidence. The court has no business to go outside of the evidence presented in the trial to find out what the facts are, and if this certificate is produced why is it not evidence? Why do you not make the opinion of the Secretary of Agriculture evidence for the court to consider?

Mr. MANN. Because it is not necessary to do that. A certified copy of that can be introduced in evidence if this provision is put in the law.

Mr. PERKINS. What is the effect of it?

Mr. MANN. Simply that in the opinion of the Secretary of Agriculture the standard shall be so and so.

Mr. PERKINS. Then the opinion of the Secretary becomes evidence whether or not a man has violated the law?

Mr. MANN. It becomes evidence of the opinion of the Secretary of Agriculture as to the standard of the article, not whether the man has violated the law. This does not give the opinion of the Secretary upon the particular thing at all. This gives information to the court as to the standard. Whether the article complied with the standard or not is a matter for the court to determine, and whether the standard is correct or not is a matter for the court to determine.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was rejected.

Mr. CLARK of Florida. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Florida offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Amend by adding, at the end of section 16, the following words: "*Provided further*, That nothing in this act contained shall be construed as in any wise a limitation upon the reserved rights of the different States under their police power to deal with all food products offered for sale within such States."

During the reading,

Mr. MANN. Mr. Chairman, I make the point of order that that amendment does not properly belong there.

The CHAIRMAN. The Chair can not tell why it should apply until it is read.

Mr. CLARK of Florida. Mr. Chairman, I do not care to discuss the amendment. I desire to say I am in favor of the purposes of the bill. I think it can do no possible harm to put that provision in the bill. It will be a statement upon the part of Congress that it does not intend that this bill shall operate as entering the domain of the reserved rights of the State in that regard.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was rejected.

Mr. PARSONS. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by inserting the words "or the Philippine Islands" after the words "foreign country," in section 1, in lines 21 and 22, on page 14, lines 2, 5, 12, and 22, on page 15, and line 1, on page 16; in section 2, in lines 15 and 16, on page 16; in section 10, in lines 5 and 14, on page 24; in section 13, in lines 2 and 3, on page 26; and in section 14, in line 20, on page 26; and by inserting the words "or Philippine" after the word "foreign," in section 1, in line 24, on page 15; in section 2, in lines 19 and 21, on page 16; and by changing section 15 so as to read:

"SEC. 15. That the term 'territory,' as used in this act, shall include Porto Rico."

Mr. PARSONS. The object of this amendment is to make this bill operative as it affects food shipped to the Philippine Islands and from the Philippine Islands, but not on food sold in the Philippine Islands. As the bill now stands, any person who manufactured food in the Philippine Islands and sold it there who did not comply with the provisions of this act would be guilty of a violation of this act. The act contains no provision for its enforcement in the Philippine Islands, and that might produce a curious result—namely, that, although we had passed a pure-food bill applicable there, and so had deprived the Philippine Commission of the right to legislate in regard to pure food, the Philippines would have a pure-food bill with no provision for its enforcement there, and instead of being a pure-food bill it would be an impure-food bill, so far as the Philippine Islands are concerned.

Mr. CRUMPACKER. Will the gentleman permit me to ask him a question? Could the provisions of the bill be enforced in the insular courts?

Mr. PARSONS. There is no provision here instructing any officer of the Philippine government to enforce them in the Philippine courts.

Mr. CRUMPACKER. The bill does not give jurisdiction to the Philippine courts over the subject, this being a general Federal statute?

Mr. PARSONS. No; it does not.

Mr. McCLEARY of Minnesota. Would your amendment do so?

Mr. PARSONS. No.

Mr. MANN. The result of the gentleman's amendment would be this: That whereas goods from the United States going to the Philippines would be required to be pure and properly branded, the goods in competition with them from Germany, England, or any other foreign power would be adulterated just as much as the people making them desired to adulterate them. I protest against making our manufacturers dealing with the Philippines send over pure goods in competition with rotten and adulterated goods from foreign countries.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. PARSONS. Does not the bill as it now stands prevent the Philippine Commission from enacting a pure-food law, and will not my amendment enable it, in case foreign manufacturers do send impure foods there, to pass a pure-food bill operative there which will exclude impure foods of foreign manufacture?

Mr. MANN. The bill does not prevent the Philippine Commission from providing a method over there for the enforcement of this pure-food law in the Philippine Islands, and it would be an exceedingly good thing if they provide that method of enforcement.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from New York [Mr. PARSONS].

The question was taken; and the amendment was rejected.

Mr. WEBB. Mr. Chairman, at the beginning of the Fifty-eighth Congress I introduced a bill, and reintroduced it at the beginning of the present Congress, which provides that every manufacturer of medicines for interstate shipment, or for use in any of the Territories of the United States, or the District of

Columbia, shall place on each bottle or package of medicine a label on which shall be printed in the English language the names of the ingredients contained in such bottle or package of medicine. The bill did not require the exact proportions of the ingredients to be printed on the bottle or package unless such bottle or package contained opium or any of the preparations of opium, cocaine, or salts of cocaine or preparation of cocaine, morphine, or salts of morphine or preparation of morphine, chloral, or any of the preparations of chloral, alcohol, eucaine, or heroin; and in such cases the exact quantity or proportion of these dangerous habit-forming drugs shall be printed on the label in the English language. When the Committee on Interstate and Foreign Commerce had under consideration what is known as the pure-food bill, I appeared before that committee and asked them to consider my bill in connection with the pure-food bill, because I thought it had a proper place in the pure-food bill. After presenting the matter to the committee, in response to the almost universal demand for some legislation on this important subject, they inserted in the pure-food bill the following provision:

If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilid, or any derivation or preparation of any of such substances contained therein: *Provided, however,* That it may be proven as a complete defense to any accusation or prosecution for failure to state the quantity or proportion of alcohol, as above required, that the quantity or proportion of alcohol contained in any package does not exceed the quantity or proportion prescribed by the United States Pharmacopœia or the National Formulary as a solvent or preservative of the active necessary constituents of the medicine or preparation in such package.

Mr. Chairman, there is no subject upon which the American people are more rapidly being awakened than on the subject of the dangers that lurk in the thousands of patent medicines that are being sold in this country to-day. The patent-medicine evil is alarming, and should challenge the attention of every thinking man who is interested in the welfare of his people and the perpetuity of his race. Before proceeding further, Mr. Chairman, it might be well for me to state to the committee the nature of the laws of other countries on this important subject.

England requires publicity in regard to all dangerous drugs in medicines, and her laws are very strict and comprehensive on the subject.

Cuba requires that all formulas of patent and proprietary medicines shall be presented to the Government, along with a quantity of the medicine proposed to be sold, for analysis, and a list of the ingredients that enter into it.

No patent or proprietary medicine can be imported into Brazil unless the formula of the medicine is attached to the bill of lading.

No patent or proprietary medicines can enter Russia except by permission of the medical department, and then only after an analysis of the preparation has been made by a Russian laboratory.

Belgium's laws on the subject are very strict, and require that the formulas of all patent or proprietary medicines shall be stated on the label of the bottle or package of medicines. You will note that Belgium requires a statement of the ingredients and their exact proportion in the compound.

Venezuela requires manufacturers to state what is in their medicines before they can be sold, unless the medicine is formally recognized by the Government authorities.

New Zealand has a law almost on all fours with Belgium's, providing that the ingredients of the bottle or package of medicine must be printed on the label, and the word "Poison" must be printed thereon when the bottle or package contains any poison.

Australia is now considering this subject, and legislation along the line proposed in this bill is likely to be enacted.

France, Germany, and Norway, all require publicity as to all dangerous habit-forming drugs contained in patent or proprietary medicines.

Of all the great civilized nations of the earth the United States is about the only one that has not a strict law on the subject of patent medicines.

The Druggists' Circular and Chemical Gazette on this subject says:

To be beaten in this respect by countries so far behind us in general civilization and progress as Russia seems anomalous. It can be explained only by the fact that the educated classes of that unfortunate country are far in advance of the masses, and have promulgated regulations on this line.

The sentiment against secret nostrums is now stirring Canada, and Earl Gray, the governor-general of Canada, not long ago was loudly applauded at a banquet of the medical faculty of McGill University for strong expressions in favor of publicity as to the contents of all secret medicines.

Nearly all other civilized countries but ours have very strict laws on the subject, which give the public the benefit of knowing the ingredients in the medicines and throw around the purchaser other valuable protections against the sale of fraudulent, worthless, and dangerous drugs.

The Proprietary Association of America, the largest organization of patent-medicine manufacturers possibly in the world, seeing the necessity of protecting the public against frauds and dangers in patent medicines, at its last meeting, in 1905, among other things, resolved:

That the legislative committee be also instructed to continue its efforts in behalf of legislation for the strictest regulation of the sale of cocaine and other narcotics and compositions or medical preparations containing the same.

The National Association of Retail Druggists, which met in Boston last year, after discussing this subject of patent-medicine frauds and dangers, resolved:

That the work of eliminating from the practice of pharmacy and medicine, as far as possible, of unethical, secret, and in some cases fraudulent and dangerous compounds, undertaken by the council on pharmacy and chemistry of the American Medical Association, be encouraged by our executive committee.

The American Pharmaceutical Association held its annual meeting in 1905 at Atlantic City, and a very competent committee of that organization reported, among other things, on this subject as follows:

The growth of the drug habit and the multiplication of its victims show no signs of abatement, and there is an increasing demand for legislation intended to lessen, and, if possible, destroy this evil. No more important subject affecting the public health is now before the public than this class of legislation to check the indiscriminate sale of narcotic drugs.

Dr. Charles H. Stowell, who is manager and treasurer of the J. C. Ayer Company, which manufactures a number of patent and proprietary medicines, read before the Proprietary Association of America, at its meeting in 1905, a very interesting paper in favor of the publication of the formulas of such medicines. The following are some of the expressions used in his paper:

We certainly believe that the trade interests of proprietary medicines will be greatly advanced if the consumer be frankly and fully told just what he is getting for his money. In every line of business but ours the proprietor urges upon the purchaser the closest examination and most thorough investigation. We believe we are justified in saying that the proprietary-medicine business is about the only business on the face of the earth where the people deliberately engage in a serious game of "blind man's buff," hoping to catch thereby something which shall prevent a possible break in the family circle. Provided your formulas will stand the searchlight of investigation, and provided you have individualized your advertising, then there is nothing to fear in giving said formulas to the public. But there is a great difference between giving the public the ingredients of a medicine and the formula of a medicine. Let us give the precise amount of ingredients in a given quantity of the finished product. If we use alcohol, let us say so. If we know our product is good, if we know it contains genuine merit, then we can safely place our case before the very best jury in the world—the highly intelligent American people.

But you will note, Mr. Chairman, and gentlemen of the House, that the provision now under consideration does not require manufacturers to publish the formulas of their medicines, nor even to state the contents, but only requires them to state the proportion of any opium, morphine, cocaine, or other poisonous substance contained in the bottle or package.

Mr. Chairman, I contend that this is a fair provision on its face, and it is hardly necessary to argue with a committee of intelligent men like yourselves that such a provision should pass. It simply lets the public know the proportions of these dangerous habit-forming drugs that they are taking into their systems in the shape of patent, proprietary, and nostrum medicines.

On February 11 of this year the World's Dispensary and Medical Association, manufacturers of Doctor Pierce's well-advertised remedies, occupied a full page in the Washington Star, an evening daily paper published in this city, setting forth the reasons why they had decided to give to the world the contents of their medicines. The full-page advertisement was headed with the following words in large type, to wit:

OPEN PUBLICITY IS THE BEST GUARANTY OF MERIT.

I beg to exhibit this paper and the advertisement to show what some of the patent medicine manufacturers are now doing in order to meet the almost universal demand of the people that they shall be allowed to know what is in their medicines. Let me read just a few sentences from this advertisement:

All observing people must have noticed a great sentiment in favor of using only put-up foods and medicines of known composition. It is but natural that we should have some interest in the composition of that we are expected to swallow, whether it be food, drink, or medicine. This sentiment has resulted in the introduction in the legislatures of many of the States, as also in the Congress of the United States, of bills providing for the publication of the formula or ingredients on wrappers and labels of medicines and foods put-up for general consumption.

Recognizing this growing disposition on the part of the public generally, and satisfied that the fullest publicity can only add to the well-earned reputation of his proprietary medicines, Dr. R. V. Pierce, of Buffalo, N. Y., has "taken time by the forelock," as it were, and is publishing broadcast, on each bottle wrapper, a full and complete list of all the ingredients entering into his medicines. So many "cheap John, give-away, 'free-trial-bottle'" medicines, made up of doubtful and often harmful character, are being offered to the afflicted under the most extravagant statements as to their marvelous curative properties that it behooves those in need of safe and reliable treatment to consider carefully what they take in the way of medicines; otherwise lasting injury, instead of relief and cure, is quite likely to follow.

This same firm in the same paper mentioned previously in its issue of April 6 has the following:

You can not afford to experiment with your health by accepting and taking free "trial bottles" of cheap John fake medicines, so freely given away in this country. Health is a heritage too sacred to be trifled with in that way. Take only medicines of known composition—those made after formulæ so choice that the makers take you fully into their confidence and feel that they can tell you just what you are using when you employ their medicines.

This is one of the largest patent-medicine firms in the United States, and you will note that it takes the bold position that the publication of the contents of medicines is not only not hurtful to the manufacturer in the sale of such medicines, but helpful. The argument is made sometimes by manufacturers of medicines who are afraid of the light because their medicines are worthless or dangerous that it is not fair to require them to tell the public what their medicines contain for fear that some one will counterfeit them and palm them off on the public. Doctor Kebler, of the Bureau of Chemistry, Department of Agriculture, on this subject says:

It is frequently claimed that if the composition of the various so-called "patent medicines" were made public the business would be destroyed. This is an old plea and is usually employed by those whose remedies either have little value or consist of well-known ingredients. No medicinal compound of recognized value needs to fear daylight. It is only those which are shrouded in mystery and misrepresentations that will suffer. In order to substantiate this point it is only necessary to state that the composition of a large proportion of medicinal remedies is common property and that the largest legitimate pharmaceutical manufacturers of the country to-day are making it a business policy to make known the composition of their remedies to medical practitioners.

This argument has no weight for the reason that nearly all of the medicines that are sold over the drug counter are either patented or trade-marked, which prevents any other person from manufacturing the identical medicine and selling it under the trade-marked or patented name.

The ingredients, and in many cases the exact proportions, of patent medicines are known to the chemists of the country, and these medicines can be manufactured by any of these chemists and sold to the public now, but not under the trade-marked or patented name of some other manufacturer. It will be seen that the J. C. Ayer Company and the Pierce company take this view of the question and are not averse to giving the public the contents of their medicines. Not only are these companies doing this, but among the most reputable and financially powerful pharmaceutical manufacturers in the United States, and, for that matter, in the world, are now making it a business policy to make known to the public the contents of their remedies. Notable among these large concerns are Parke, Davis & Co., Fred. K. Stearns Company, Detroit; Sharp & Dohme, Baltimore; Schieffelin & Co., New York; E. R. Squibb & Sons, New York; Fairchilds Brothers & Foster, New York; and Henry K. Wampole & Co., Philadelphia. I hold in my hand a number of catalogues issued by these firms, containing a statement of the contents of each remedy they manufacture. Some of these firms have been practicing this policy for a number of years, and they have found it to their best interest to do so. I have letters from them giving the reasons why they give to the world the benefit of knowing the composition of their medicines, and their reasons are both laudable and humane. No reputable manufacturer of medicines need fear in the least the provisions of this bill.

The Journal of the American Medical Association some time ago said:

Whatever is secret is suspicious, and this axiom applies especially to medicines that are secret in character. One reason for the success of secret nostrums lies in the fact that extravagant claims are made for them, which on their face would be ridiculous in the extreme if their true composition were known. Remove the mystery surrounding these preparations and their wonderful virtues would vanish.

The Druggists' Circular, in discussing this subject of secret nostrums, recently said:

A worthy article is able to stand upon its own merits and courts the light. There is absolutely no rational defense that can be advanced in opposition to having the label of a medicine tell its composition. There are many weighty reasons that can be advanced in defense of such a proposal. Secrecy is a respectable cloak for falsehood, extortion, and conditions that degrade. It is darkness pure and simple, and none love it unless their deeds require its covering.

Mr. Chairman, there are about 50,000 different kinds of proprietary or patent medicines and nostrums manufactured and sold in the United States, for which the public pays annually about $90,000,000. There are three general classes of these medicines; first being the, strictly speaking, patent medicines, which are medicines covered by the granting of a patent for it by the United States. The earliest patented medicine was called "Worm Destroying Medicine," and the patent for this medicine was issued in 1837. Castoria, one of the most widely known and sold medicines in the world, was patented in 1868, and ever since that time the exact composition of that medicine has been known to the public. It is, nevertheless, one of the most universally used medicines and has no successful competitor in its field, which shows that counterfeits are not successful, and manufacturers need not fear them.

The second class of medicines are called proprietary remedies. These are manufactured largely by the large firms whose names I have given previously. These medicines are generally of recognized merit, and their contents, or ingredients, are usually known, and of late years their composition, or formula, is almost universally given to the public by the manufacturer. These medicines, as their composition or formula or contents are generally known to the physicians of the United States, are often prescribed by physicians for their patients. The manufacturers of strictly patented medicines can have little or no objection to this bill, for their formulas are largely known to the public. The manufacturers of proprietary medicines can have little or no objection to this bill, for nearly all of the manufacturers of such medicines are now not only giving the contents of their medicines, but also, in many instances, the proportions of the ingredients in the same—in other words, their formula.

But, Mr. Chairman, there is a class of manufacturers who may object to the passage of this bill. These are the manufacturers of the third class of medicines, known as "nostrums," whose ingredients and composition are carefully concealed from the public and kept secret, and whose value depends largely upon the widely distributed advertising literature, and whose sale depends largely upon the extravagant promises of cure held out to an unsuspecting public. These medicines are usually covered by a trade-mark instead of a patent. The greatest danger to the public lies in the use of these nostrums. It is said that there are something like 5,000,000 people in the United States who buy these various medicines, whose advertising literature appeals to their credulity and their hope. A large number of such people every year become drug habitues, or morphine, cocaine, or opium fiends. A large proportion of such nostrums contain alcohol or some narcotic like opium, morphine, cocaine, chloral, eucaine, or some latter-day synthetic nerve stimulant. I culled the following from the Ladies' Home Journal, of Philadelphia, which is a clear statement of how this habit of taking these pernicious medicines is contracted:

Every year, particularly in the springtime, tens of thousands of bottles of patent medicines are used throughout the country by persons who are in absolute ignorance of what they are swallowing. They feel "sluggish" after the all-winter, indoor confinement; they feel that their systems need a toning up or a "blood purifier." Their eye catches some advertisement in a newspaper, or on a fence, or on the side of a barn, and from the cleverly worded description of symptoms they are convinced that this man's "bitters," or that man's "sarsaparilla," or that doctor's (?) vegetable compound, or So-and-so's "pills" is exactly the thing they need as a "tonic." "No use going to a doctor," argue these folks, "we can save that money," and instead of paying one or two dollars for honest, intelligent advice they invest from 25 to 75 cents for a bottle of this or a box of that. And what do they buy—and what do they put into their systems? Few know. Fewer realize the absolute damage they are working upon themselves and their households. For the sake of saving a physician's fee they pour into their mouths and into their systems a quantity of unknown drugs which have in them percentages of alcohol, cocaine, and opium that are absolutely alarming. A mother who would hold up her hands in holy horror at the thought of her child drinking a glass of beer, which contains from 2 to 5 per cent of alcohol, gives to that child with her own hands a patent medicine that contains from 17 to 44 per cent of alcohol, to say nothing of opium and cocaine. I have seen a temperance woman, who raged at the thought of whisky, take bottle after bottle of some "bitters" which contained five times as much alcohol—and compared to which sherry, port, claret, and champagne were as harmless as the pink lemonade at Sunday school picnics. It is not by any means putting the matter too strongly to say that the patent-medicine habit is one of the gravest curses, with the most dangerous results, that is inflicting our American national life. Sooner or later the people of America must awaken to the fearful dangers that lie in these proprietary preparations. The mothers of our children in particular must have their eyes opened to the dangers that lurk in these patent medicines. Here and there a hopeful sign of an awakening is seen. Slowly but surely the best magazines are falling into line in their refusal to accept patent-medicine advertisements of any kind. Not long ago one of the insurance companies made an excellent move by requiring its medical examiner to ask of each subject of insurance, "What patent medicines have you used during the last five years?" and gradually other insurance companies are realizing the fact that the use of patent medicines is even more injurious than the use of alcoholic liquors. But much still remains; more should be done. Public interest must be more widely aroused.

Every year we see in the newspapers and recorded in the medical journals many fatalities caused by taking these dan-